



भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY
साप्ताहिक
WEEKLY

सं. 9] नई दिल्ली, फरवरी 21—फरवरी 27, 2016, शनिवार/फाल्गुन 2—फाल्गुन 8, 1937
No. 9] NEW DELHI, FEBRUARY 21—FEBRUARY 27, 2016, SATURDAY/PHALGUNA 2—PHALGUNA 8, 1937

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 26 फरवरी, 2016

का.आ. 339.—“स्टैंड-अप इंडिया” योजना के लिए ऋण गारंटी निधि की स्थापना के लिए मंत्रिमंडल के अनुमोदन (मामला सं. 10/01/2016) के अनुसरण में, निधि के व्यवस्थापक के रूप में यह विभाग निधि के प्रबंधन समिति का एतद्वारा गठन करता है, जिसमें निम्नलिखित शामिल हैं :—

- | | |
|---|----------------------|
| (i) सचिव, वित्तीय सेवाएं विभाग | —अध्यक्ष
(पदेन) |
| (ii) अध्यक्ष एवं प्रबंध निदेशक,
भारतीय लघु उद्योग विकास बैंक | —सदस्य |
| (iii) अध्यक्ष, भारतीय बैंक संघ | —सदस्य |
| (iv) मुख्य कार्यपालक अधिकारी, राष्ट्रीय
ऋण गारंटी न्यासी कंपनी लि. | —सदस्य |

[फा. सं. 28/02/2016-आईएफ-II]

सिंधु पिल्लै, निदेशक

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 26th February, 2016

S.O. 339.—Pursuant to the Cabinet approval (Case No. 10/01/2016) for establishment of Credit Guarantee Fund for “Stand-Up-India” Scheme, this Department as settlor of the Fund hereby constitutes a Management Committee of the Fund consisting of the following :—

- | | |
|--|---------------------------|
| (i) Secretary, (Department of Financial Services) | —Chairman
(ex-officio) |
| (ii) CMD, Small Industries Development Bank of India | —Member |
| (iii) Chairman, Indian Banks’ Association | —Member |
| (iv) CEO, National Credit Guarantee Trustee Company Ltd. | —Member |

[F.No. 28/02/2016-IF-II]

SINDHU PILLAI, Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi, Presiding Officer
CGIT-cum-Labour Court,
Ahmedabad,
Dated 21st December, 2015

Reference: (CGITA) No. 7/2006

1. The Zonal Manager,
Bank of India,
Zonal Office,
Gujart Zone,
Bhadra,
Ahmedabad-380001 ...First Party

Vs.

Their Workman,
Sh. Dhirubhai Ukabhai Ahir
At & PO Satem,
Tal. Navsari,
Dist. Valsad,
Gujarat ...Second Party

For the First Party :

For the Second Party :

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/113/94-IR(B-II) dated 05.01.2006 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the claim of disputant Shri Dhirubhai Ukabhai Ahir that he was employed by the Bank of India, Satem Branch as part-time sweeper during the period from May, 1983 to 18.12.1987 is correct? If so, whether the action of the management of Bank of India to terminate him from service is legal and justified and what relief is the disputant concerned entitled to?”

2. This reference dates back to 05.01.2005. Both the parties were served by the registered post. Neither of the parties have not filed their statement of claim and written stated. Thus, it appears that neither of the parties are willing to proceed with the reference. Thus, Tribunal has no option but to dismiss the reference in default of the parties.

The reference is dismissed in default of the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 18 फरवरी, 2016

का.आ. 356.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 189/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-12011/97/2006-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 18th February, 2016

S.O. 356.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 189/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 18.02.2016.

[No. L-12011/97/2006-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD****Present :**

Pramod Kumar Chaturvedi, Presiding Officer
CGIT-cum-Labour Court,
Ahmedabad,
Dated 10th December, 2015

Reference: (CGITA) No. 189/2006

The Regional Manager,
Central Bank of India,
Regional Office,
Bhadra, Lal Darwaja,
Ahmedabad (Gujarat) ...First Party

Vs.

Their workman,
Sh. Kamlesh N. Thakkar,
Through the General Secretary,
Gujarat Labour Union,
24/3, Ellora Commercial Centre,
Behind Relief Cinema,
Salapas Raod,
Ahmedabad (Gujarat)-380001 ...Second Party

For the First Party : Sh. K.J. Macwan, Advocate

For the Second Party :

and their workmen, received by the Central Government on 18.02.2016.

AWARD

[No. L-37011/11/2013-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

SCHEDULE

“Whether the following action of the management of Central Bank of India, Ahmedabad in respect of Sh. Kamallesh N. Thakkar is legal or justified? If not, what relief the workman is entitled to and to what extent? (a) Non-regularisation of leave period from (1) 30.09.1999 to 18.10.1999 (2) 24.04.2002 to 17.03.2002 (b) Imposition of penalty by reducing 2 increment without proper domestic inquiry. (c) Imposition of suspension order dated 29.12.2005 without mentioning any reasons.”

2. This reference dates back to 14.11.2006 and was registered in the 24.04.2007. Both the parties were issued the notice. First party (Central Bank of India) filed the vakalatnama (Ext.8) but second party did not appear and also did not file the statement of claim. It is old reference. Second party appears to be not willing to proceed with the reference. Therefore, Tribunal has no option but to dismiss the reference.

Reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 18 फरवरी, 2016

का.आ. 357.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पत्तन न्यास के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 180/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-37011/11/2013-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 18th February, 2016

S.O. 357.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 180/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust

Present :

Pramod Kumar Chaturvedi, Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad,
Dated 10th December, 2015

Reference: (CGITA) No. 180/2013

The Chairman,
Kandla Port Trust,
Administrative Office,
Post Box No. 50,
Gandhidham (Kutch)
Gujarat -370201

...First Party

Vs.

Their Workman
Sh. M.S. Parmar
Through the General Secretary,
Transport & Dock Workers Union,
21, Yogesh Building,
Plot No. 586,
12-C, Gandhidham (Kutch) Pin-370201,
Gandhidham (Kutch)

...Second Party

For the First Party : Sh. K.V. Gadhia, Advocate

For the Second Party : Sh. N.H. Rathod, Advocate

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/11/2013-IR(B-II) dated 09.10.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management in denying of MACP scheme to Shri M.S. Parmar, Labour Inspector w.e.f. 12.12.2006 is legal and justified? What relief, Sh. M. Parmar Labour Inspector is entitled to?”

2. Both the parties were served. K.V. Gadhia Associates, a solicitor were filed the vakalanama (Ext. 4) on behalf of the First party and Advocate M.H. Parmar filed his vakaltnama (Ext.6) on behalf of the second party.

3. Today, on 10.12.2015, on applicant's behalf, Advocate M.S. Parmar moved an application (Ext.7) to withdraw the reference. First party has no objection.

4. Hence, the withdrawal of the reference vide application Ext.7 is allowed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 18 फरवरी, 2016

का.आ. 358.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 182/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-12011/59/2006-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 18th February, 2016

S.O. 358.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 182/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 18.02.2016.

[No. L-12011/59/2006-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi, Presiding Officer
CGIT-cum-Labour Court,
Ahmedabad,
Dated 14th December, 2015

Reference: (CGITA) No. 182/2006

The Chief Manager,
Bank of India,
Vadodara One,
Disciplinary Authority Zonal Office,
BOI Building, 1st Floor,
Ellora Park, Subhanpura,
Vadodara (Gujarat)-390007

...First Party

Vs.

Their Workman,

Sh. P.N. Murthy,

Through the Dy. General Secretary,

Bank of India Employees Union,

Central Gujarat Branch,

BOI Building, Raopura,

P.B. No, 132, Baroda

...Second Party

For the First Party : Kum. Meenaben Shah,
Advocate

For the Second Party :

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/59/2006-IR(B-II) dated 03.10.2006 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Bank of India in imposing the punishment of stoppage of next annual increment for a period of one year without cumulative effect on Sh. P.S.N. Murthy, Staff clerk is legal and justified? If not, what relief the concerned workman is entitled to?”

2. This reference dates back to 03.10.2006. Learned Counsel for the for the first party, D.C. Gandhi Associates files vakalatnama on 11.04.2008. Second party was served by way of registered post on 09.09.2008 but did not prefer to submit the statement of claim. This Tribunal also informed both the parties to appear in the court on 18.03.2011.

3. Thus, it appears that second party is not willing to proceed with the reference by not preferring the file the statements of claim. Thus, this Tribunal has no option but to dismiss the reference in default of the second party.

Reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 18 फरवरी, 2016

का.आ. 359.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय-2, दिल्ली के पंचाट (संदर्भ सं. 50/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-12011/87/2008-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 18th February, 2016

S.O. 359.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/2008) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Delhi as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda and their workman, received by the Central Government on 18.02.2016.

[No. L-12011/87/2008-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
CUM LABOUR COURT - II, ROOM NO.33, BLOCK-
A, GROUND FLOOR, KARKARDOOMA COURT
COMPLEX, KARKARDOOMA, DELHI 110032**

Present:- Shri Harbansh Kumar Saxena

ID.No. 50/2008

The General Secretary,
BOB Employees Union,
4824/24, Ansari Road,
Daryaganj

...Workman

Versus

The General Manager (DMR-II)
Bank of Baroda,
Zonal Office,
Bank of Baroda Building

...Management

AWARD

The Central Government in the Ministry of Labour vide letter No. L-12011/87/2008-IR(B-II) dated 07.10.2008 referred the following Industrial Dispute to this Tribunal for adjudication :-

“Whether the punishment imposed by the management of Bank of Baroda, New Delhi in ‘Bringing Down Sh. Rakesh Bhatnagar, Cash Clerk by eight stages in the time scale with cumulative effect which will have the effect on postponing future increments, is just, fair and legal? What relief the workman is entitled to?

On 20/10/2008 reference was received in this Tribunal. Which was register as I.D No. 50/2008 and claimant union was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 7.01.2009. Through which he prayed as follows:-

It is prayed to the Hon’ble Tribunal that it may be pleased to pass Award holding that the action of the bank in imposing the punishment vide order dated 31.3.2003 and order dated 29.06.2005 of the Appellate Authority are illegal, invalid, and unjust and the same are set aside. It may further be ordered that the workman is entitled to the pay-scales and the consequential benefits thereon. Any other further order /director as may be necessary and deemed fit be also passed.

Against claim statement management filed written statement on 20.07.2009. Through which management prayed as follows:-

In view of the above, and considering the facts and circumstances of the case, it is most respectfully prayed that the petitioner workman is not entitled to any relief much less the relief prayed for in the prayer clause of the statement of claim and as such the claim of the workman should be rejected with heave costs.

Claimant on 25.11.2009 filed rejoinder. Where in workman reaffirmed the contents of claim statement and prayed as follows:-

It is prayed to the Hon’ble Tribunal that it may be pleased to pass Award as prayed in the claim statement.

My. Ld. Predecessor on 4.07.2011 framed following issues:-

1. Whether the departmental enquiry conducted in this case is legal, just and fair and is not in violation of the principles of natural justice? If not, what directions are called for in this case?
2. As per the reference sent by the Govt. of India in this case.
3. Relief.

Out of aforesaid issue. Issue no. 1 is relating to enquiry which was ordered to be decided as preliminary issue by my Ld. Predecessor. After evidence of parties I fixed 13.08.2013 for order on Preliminary Issues No.1.

This Tribunal in the light of contentions and counter contentions I perused the pleadings and evidence of the parties and considered the settled law on the point and passed order on 13.08.2013 deciding Preliminary Issue No. 1 against workman and in favour of management and fixed 13.10.2013 for evidence of parties on other issues.

On 3.10.2013 workman sought adjournment which was allowed and case was adjourned to 12.11.2013.

On 12.11.2013 workman filed his affidavit in his evidence. Copy of which supplied to management. Fixed 19.12.2013 for Tendering of affidavit and cross-examination of workman.

On 19.12.2013 workman tendered his affidavit and he was partly cross-examined but his cross has been continued fixing 28.1.2014.

On 28.1.2014 cross-examination of WW1 concluded and 13.02.2014 was fixed for remaining evidence of workman.

On 13.02.2014 workman representative closed evidence of workman then I fixed 24.04.2014 for management evidence.

On 13.02.2014, 10.06.2014, 31.07.2014 management sought adjournments which were allowed.

On 8.8.2014 management filed affidavit of MW1 Mandeep Kumar. Copy of which supplied to workman and fixed 1.09.2014 for tendering of affidavit and cross of management witness.

On 1.09.2014 MW1 tendered his affidavit and he was partly cross-examined. His remaining cross-examination has been deferred to 14.10.2014.

On 14.10.2014 management sought adjournment which was allowed and case was adjourned to 25.11.2014.

On 25.11.2014 cross-examination of MW1 was concluded and 20.01.2015 was fixed for remaining evidence of management.

19.2.2015, 23.04.2015, 4.6.2015, 16.07.2015, 12.08.2015 and 15.09.2015 were also fixed for remaining evidence of management.

On 6.10.2015 affidavit of MW2 Sh. S.K. Teri was tendered and he was cross-examined. Thereafter management closed its evidence.

Fixed 3.11.2015 for argument.

On 3.11.2015 Ld. A/Rs for the parties expressed their desire to file written arguments hence fixed 7.12.2015 for the same.

On 7.12.2015 Ld. A/R for the management filed written arguments. Copy of which supplied to Ld. A/R for the workman and 4.1.2016 for reply of written arguments of management.

On 4.1.2016 Ld. A/R for the workman filed written argument in reply to written argument of management.

Ld. A/Rs for the parties also orally argued on 4.1.2016 then I reserved the Award with liberty to Ld. A/Rs to file photo copies of rulings in support of their contentions and counter contention.

Ld. A/R for the management filed written arguments. Wherein it mentioned as follows:-

1. Because the actual cause of action arose outside the territorial jurisdiction of this Hon'ble Industrial Tribunal. It

is submitted that territorial jurisdiction of an Industrial Dispute is determined by the place of work of respondent or of workman. In the instant case the registered office of the respondent bank is at Mandvi, Baroda in the state of Gujarat. Cause of action arose at Faridabad in the state of Haryana where the workman committed serious acts of employment misconduct including financial irregularities when he was posted as Cashier cum clerk at management bank's Faridabad branch (erstwhile Bareilly Corporation Bank Ltd). Regional Office of the management bank was at Karnal in the state of Haryana at relevant time. Therefore this Hon'ble court does not have territorial jurisdiction to entertain and try the matter because cause of action, if any, that arose to file the present claim is outside the territorial jurisdiction of this Hon'ble Court and the claim of the workman is liable to be rejected on this ground alone.

2. Because the claim/representation/appeal of the petitioner was duly considered by the Respondent Bank and is declined/rejected vide a speaking order by Competent Authority on merits and the same was communicated as well to him. Respondent Bank cannot be held liable for the peril of the petitioner who chose to harass the respondent Bank unnecessarily for no fault of it. Moreover the said speaking order no. ZO:ND:ZVD/251 dated 29.06.2005 is never challenged by the workman.

3. Because workman is a bank employee and is ought to be a person of impeccable integrity and honesty. It is held by Delhi High Court in Syndicate Bank, Zonal Office, New Delhi vs Sanjay Kapoor 2007 LLR 51 that dismissal of bank employee working against the interests of the bank will be justified. The standard of proof, the mode of enquiry, the rules for holding of the enquiry and the trial are conspicuously different since in the case of disciplinary enquiry, the technical rules of evidence have no application. A bank management puts trust into an employee and does not keep a watch that the employee will be working against the interest of the bank hence the workman has lost the confidence and should not have been reinstated.

4. That Hon'ble Supreme Court of India in State Bank of India & Ors. vs. Ramesh Kumar Punde 2007 LLR 1 has held that a bank officer holds a position of trust where honesty and integrity are inbuilt requirements of functioning and it would not be proper to deal with the matter leniently. It further held that if a bank officer commits misconduct against the interest of the bank, he must be dealt with iron hands does not deserve to be dealt with leniently.

5. That a bank employee has to instil the public confidence in the bank so that the interests of customers/depositors are well safeguarded hence no amount was lost to the bank would be no ground to take lenient view of the proved misconduct by a bank officer. This is the rule laid

down by Hon'ble Supreme Court of India in *Suresh Pathrella vs Oriental Bank of Commerce* 2007 LLR 144. It is also held that every officer of the bank at all times has to take all possible steps to protect the interests of the bank and discharge his duties with utmost integrity, honesty, devotion and diligence and do nothing which will be unbecoming of a bank officer. When a bank officer has lost the confidence, it will be futile exercise of judicial review to embark upon the decision of the disciplinary authority removing the officer, from service, preceded by enquiry, and to direct the bank to take him back.

6. Because in the instant case the petitioner has not challenged the departmental enquiry and therefore in the absence of challenge to the legality and fairness of the domestic enquiry, the court should be reluctant to either interfere with the finding recorded by enquiry officer or the punishment awarded by punishing authority. This proposition is also upheld by Hon'ble Supreme Court of India in *Employers Management West Bokaro Colliery of TISCO Ltd vs concerned Workman Ram Parvesh Singh* in 2008 LLR 432.

7. That the petitioner has availed the remedy of Appeal and his appeal is disposed of by Appellate Authority vide a detailed speaking order. It is submitted that Appellate Authority is above Disciplinary Authority and can review the order passed by Disciplinary Authority. In the instant case, the Appellate Authority has upheld the order of Disciplinary Authority and therefore the order of Appellate Authority is final and binding. The order of Appellate Authority is also not subject matter of challenge before any court of law and as such the captioned industrial dispute is without any cause of action and is liable to be rejected on this ground alone.

Brief facts of the case:

1. The petitioner workman was an employee of erstwhile Bareilly Corporation Bank Limited (EBCBL) that was amalgamated with respondent Bank and that during the employment of petitioner with EBCBL, Faridabad branch as Cashier cum Clerk, he committed serious acts of employment misconduct involving moral turpitude and having substantial financial repercussions. He was served with charge sheet no. DCD/16/1779/98 dated 08.08.1998.

2. Petitioner workman did not maintain sufficient balance in his savings bank account no. 408 at EBCBL's branch at Faridabad, Haryana that was sufficient to honour cheque no. 528912 dated 29.09.1994 for Rs.32500.00 issued by him to Saraswati Kunj House Building Society Ltd. And in order to avoid action consequent upon anticipated bouncing of cheque, he made a wrong and fictitious posting at L.F. (Ledger Folio) 145 of Demand Loan giving following narration : "To amt. D/ L agt FDR" with a view to avoid

detection of his wrong acts while tallying "Day Book" and also to avoid returning of said cheque. He made a fictitious debit in demand loan L.F. and misutilised EBCBL Bank's funds for his personal use. Petitioner workman again managed a fictitious credit of Rs.7000.00 on 02.01.1995 in D/L LF No. 145 with a view to reduce the fictitious debit of Rs.32500.00 created by him.

3. Petitioner workman made wrong postings in books of accounts maintained by the EBCBL bank with an attempt to defraud the bank. He overlooked material aspect while posting cash vouchers worth Rs. 1049000.00 (Rupees ten lacs forty nine thousand only) in various demand loan account that they do not bear signatures of recipients/beneficiaries at the space provided for. He opened fictitious demand loan account in collusion.

4. Petitioner workman made payment worth Rs. 202500.00 (Rupees two lacs two thousand five hundred only) to persons on the basis of cheques/withdrawal forms that do not bear signatures of the drawer.

5. Petitioner workman is accused of serious charges of financial misappropriations, aiding and abetting in commission of frauds which are prejudicial to the interest of the bank, willful negligence in performance of duties, acts of dishonesty prejudicial to the interest of bank and willful act of tarnishing the image of the bank.

6. A departmental enquiry was constituted by the EBCBL bank in accordance with applicable service conditions. Petitioner participated in the said enquiry. He was afforded an opportunity to be represented in the enquiry. His representative cross-examined witnesses of the management. Enquiry was conducted in a free and fair manner as per principles of natural justice, fair play and equity. Enquiry Officer submitted his report ignoring the documentary evidence placed on record in respect of some charges and on the basis of surmises and presumptions, he gave petitioner workman benefit of doubt with respect to some charges on the basis of presuming that the same is clerical error without any collusion or malafide intention. Remaining allegations against the petitioner stand proved in the enquiry.

7. Copy of Enquiry report was provided to the petitioner workman by Disciplinary Authority prior to its order. Petitioner workman was afforded opportunity to offer his comments/representation on the findings of the Enquiry Officer and he submitted his comments on the same vide his letter dated 22.09.2000. Disciplinary Authority disagreed with the findings of Enquiry Officer with respect to charge nos. 1, 2, 3(i) & 3(ii), 5, 6(i), 6(ii) & 6(iii) on the basis of documentary evidence available on record of enquiry that was overlooked and not properly appreciated by the Enquiry Officer while giving his findings. Disciplinary

Authority informed this decision to petitioner workman vide a detailed order no. RO: DM- II:VIG:296 dated 06.11.2002 and decided to hold a regular hearing of the matter. Hearing in this regard was attended by the petitioner workman and his defence representative. Disciplinary Authority then on the basis of facts and circumstances brought on record, substituted findings of Disciplinary Authority dated 06.11.2002, representation of workman with his defence representative in regular hearing consequent upon letter/order dated 06.11.2002, pronounced its order no. RO:DM-II:VIG:564 dated 11.03.2003 inter alia holding the petitioner workman guilty of charges of employment misconduct; and proposed punishment. Petitioner workman was again provided an opportunity to show cause against the nature of the proposed punishment for which date of hearing was also fixed. During the hearing on proposed punishment petitioner workman along with his defence representative pleaded that he has become victim of circumstances. On perusal of findings of enquiry report and the substituted findings and the statement/s made by CSE (charge sheeted employee) and his defence representative during the hearing, Disciplinary Authority observed vide its order dated RO:DM-II:VIG:606 dated 31.03.2003 that the petitioner workman was found guilty of the charges and imposed punishment of reduction by -2- stages each in the time scale of pay with cumulative effect for each of the -4- charges of a) willful acts of aiding and abetting in commission of frauds which are prejudicial to the interest of respondent bank, b) willful negligence in performance of duties, which are acts prejudicial to the interest of the respondent bank, c) willful acts of dishonesty prejudicial to the interest of respondent bank and d) willful acts of tarnishing the image of the bank prejudicial to the interest of the bank.

8. It is pertinent to mention here that the respondent bank has taken a lenient view while imposing punishment whereas the proportionate punishment in such cases of proved charges of willful negligence resulting in financial irregularities, misusing the official position with a financial institution/bank, aiding and abetting in commission of fraud for personal gain calls for punishment of dismissal of service.

9. The petitioner workman appealed against the order dated 31.03.2003 and vide detailed speaking order no. ZO:ND:ZVD/251 dated 29.06.2005, Appellate Authority considered the appeal and finally decided to reject the appeal as appellant workman has not brought anything new, relevant and material to the proven allegations/charges in his appeal and upheld the order dated 31.03.2003 of Disciplinary Authority.

10. In view of the aforesaid the workman has committed serious charges of employment misconduct for which he

was given lesser punishment than proportionate to the proved charges of willful negligence resulting in financial irregularities, misusing the official position with a financial institution/bank, aiding and abetting in commission of fraud etc.

11. Feeling aggrieved by the order of Appellate Authority, petitioner workman raised an Industrial Dispute which is referred to this Hon'ble Tribunal with the following reference :

“Whether the punishment imposed by the management of Bank of Baroda, New Delhi bringing down Sh. Rakesh Bhatnagar, Cash Clerk by eight stages in the time scale with cumulative effect which will have the effect on postponing future increment is just, fair and legal? What relief is workman entitled to?”

12. During the proceedings before this Hon'ble Tribunal, the conduct of Departmental Enquiry against the workman is made Preliminary Issue. The Preliminary Issue of conduct of Departmental Enquiry is decided in favour of respondent management and it was held that enquiry was properly held in accordance with principles of natural justice, fair play and equity.

13. During the proceedings, management has proved its case that subsequent to conduct of enquiry, the disciplinary authority differed with the findings of the Enquiry Officer and while disagreeing with the findings, Disciplinary Authority relied upon the documents placed on record of enquiry which were not properly appreciated by the Enquiry Officer.

14. Accordingly, Disciplinary Authority informed of its disagreement with the findings of Enquiry Officer to the petitioner vide detailed order no. RO: DM-II: VIG: 296 dated 06.11.2002 to workman decided to hold a regular hearing.

15. Regular hearing by Disciplinary Authority was attended by the workman and his representative.

16. Disciplinary Authority after considering the documents brought on record of enquiry and explanation by the workman during regular hearing before it, substituted the findings of Enquiry Officer vide order no. RO:DM-II:VIG:564 dated 11.03.2003 inter alia holding petitioner workman guilty of charges of employment misconduct, and proposed punishment.

17. During the hearing on proposed punishment, petitioner workman along with his defence representative pleaded that he has become victim of circumstances but he is unable to justify his defence or produce any document in his support.

18. Disciplinary Authority observed vide its order dated RO:DM-II:VIG:606 dated 31.03.2003 that the petitioner workman was found guilty of the charges and imposed punishment of reduction by –2- stages each in the time scale of pay with cumulative effect for each of the –4- charges of a) willful acts of aiding and abetting in commission of frauds which are prejudicial to the interest of respondent bank, b) willful negligence in performance of duties, which are acts prejudicial to the interest of the respondent bank, c) willful acts of dishonesty prejudicial to the interest of respondent bank and d) willful acts of tarnishing the image of the bank prejudicial to the interest of the bank.

19. The respondent bank has taken a lenient view while imposing punishment whereas the proportionate punishment in such cases of proved charges of willful negligence resulting in financial irregularities, misusing the official position with a financial institution/bank, aiding and abetting in commission of fraud for personal gain calls for punishment of dismissal of service.

20. The petitioner workman appealed against the order dated 31.03.2003 and vide detailed speaking order no. ZO:ND:ZVD/251 dated 29.06.2005, Appellate Authority considered the appeal and finally decided to reject the appeal as appellant workman has not brought anything new, relevant and material to the proven allegations/charges in his appeal and upheld the order dated 31.03.2003 of Disciplinary Authority.

21. The workman has committed serious charges of employment misconduct for which he was given lesser punishment than proportionate to the proved charges of willful negligence resulting in financial irregularities, misusing the official position with a financial institution/bank, aiding and abetting in commission of fraud etc.

Judgements relied upon by the management :

A. Dismissal from service of a Bank employee – Misconduct as committed and proved in the enquiry – pertained to conversion of monies belonging to someone else – findings by enquiry officer that petitioner had indulged in acts of fraud and derived undue pecuniary advantage in detriment to interest of the bank – further finding that he had indulged in destruction of bank records to suppress his fraudulent acts – Banks being financial institution cannot afford to employ dishonest employee – Dismissal of service after affording reasonable opportunity of hearing – No interference required.

Dilip Sagar Vs D G M, Syndicate Bank, Ahmedabad

2005 LLR 218 Gujarat High Court

B. If a Bank Officer commits a misconduct pertaining to his personal needs against the interests of the Bank and depositors, he must be dealt with iron hands and does not deserve to be dealt with leniently.

State Bank of India & Anr Vs Ramesh Dinkar Punde

2007 LLR 1 Supreme Court

C. Bank Manager found to have committed serious misconduct in relation to disbursement of loan to non – existent firms further exceeding his powers in granting loans – He was served with the charge sheet – Charges proved in the enquiry – Punishment of dismissal imposed – Manager filed writ petition - Held, it is primarily for the disciplinary authority to decide what punishment is to be inflicted for a particular misconduct – in circumstances it cannot be said that punishment of dismissal inflicted is shocking to conscience of the court- order of dismissal not interfered with by the High Court

Gorakh Nath Singh Vs State Bank of India

2005 233 Patna High Court

D. A bank officer has to instill the public confidence in the bank so that the interests of customers/ depositors are well safeguarded hence no amount was lost would be no ground to take a lenient view of the proved misconduct of a bank officer.

When a bank officer has lost the confidence, it will be futile exercise of judicial review to embark upon the decision of the disciplinary authority removing the officer from service, preceded by an enquiry, and to direct the bank to take him back.

Suresh Pathrella Vs Oriental Bank of Commerce

2007 LLR 144 Supreme Court

E. Dismissal of a Bank employee for theft has been rightly upheld by the Tribunal hence the High Court will not interfere in writ petition when fair opportunity was given to the employees for cross examining witnesses.

Mohinder Pal Grover Vs Vijaya Bank & Anr

2006 502 Delhi High Court

F. When loss of confidence as reposed by the bank in its officer is clearly established, the termination of the officer is justified and the High Court in its writ jurisdiction will not interfere.

Ramesh Kumar Vs Punjab National Bank

2007 LLR 682 Delhi High Court

G It is misplaced sympathy by the Labour Courts in such cases when on checking It is found that the Bus Conductors have either not issued tickets to a large number of passenger, though they should have, or have issued tickets of a lower denomination knowing fully well the correct fare to be charged. It is the responsibility of the bus conductors to collect the correct fare from the passengers and deposit the same with the company. They act in fiduciary capacity and it would be a case of gross misconduct if knowingly they do not collect any fare or the correct amount of fare.

Karnataka SRTC vs B S Hullikatti

[2001]2 SCC 574

H. Coming to the question of quantum of punishment, one should bear in mind the fact that it is not the amount of money misappropriated that becomes a primary factor for awarding punishment; on the contrary, it is the loss of confidence which is the primary factor to be taken into consideration. In our opinion when a person is found guilty of misappropriating the Corporation's funds, there is nothing wrong in the Corporation losing confidence or faith in such a person and awarding punishment of dismissal.

Divisional Controller KSRTC vs AT Mane

[2005]3 SCC 254

Written arguments of workman are as follows:-

Order of Punishment dt. 31.03.2003 (Ex. WW1/4) unlawful, illegal, perverse, harass and shockingly Disproportionate.

i) In his claim it is submitted in para 9 that the order of punishment dt. 31.03.2003 of Disciplinary Authority is bad in law and violative of the provisions of Bipartite Settlement and same has been substantial us in Chief Examination para 11 of the Evidential Affidavit Ex. WW1/B. The expression of various Acts & Omissions which constitute gross misconduct has been provided in clause 19.5 sub clause (a) to (1) of Bipartite Settlement as modified by Supplement Settlement dt. 10.04.2002, which was in operation at relevant period when disciplinary proceeding initiated on 08.08.1998 and when, concludes on 31.03.2003. The sub clause (j) which was made applicable in case of claimant is as under:

“Doing any act prejudicial to the interest of bank or gross negligence or negligence involving or likely to involve the bank in serious loss.”

Admitted the aforesaid expression of gross misconduct is consolidate one. The Disciplinary

Authority illegally and in violation aforesaid provisions, treat them as four gross misconduct only to impose multiple punishments. The act of Disciplinary Authority indicates the closed, capricious mind and action was not bonafide, fair and thus colorable exercise of power is writ large.

ii) That the Disciplinary Authority while awarded punishment, without considering the evidence and documents available on record, specially the documents Exh. WW1/7 to WW1/9, the FDR on record and further Exh. WW1/10 to WW1/14 which clearly established that allegation 1 to 3 should have not been proved if these documents were considered in right prospect. The contention has been adduced by Claimant in his Chief Examination WW1/B.

iii) Further Disciplinary Authority failed consider document Exh. WW1/15 to WW1/18, which clearly established that demand loan of Rs. 10,000/- was duly sanctioned by bank officials and entered into ledger on 22.02.1995 as allegation No. 4 could have not been stand proved. That with reference to the evidence s show the allegation is proved and by what evidence, it is stated in para 17 & 18 of claimants chief examination WW1/B. Crucial facts which would go to show the guilty of claimant has been ignored by Disciplinary Authority as well appellate authority.

iv) That no document or complaints of A/c holder or vouchers was on record before Disciplinary Authority or before this Hon'ble Court in respect of allegations no. 5 & 6 in respect of posting of debit cash vouchers in various demand loan accounts and posting of cheque /withdrawal which were posted by claimant, without any documentary evidence, aforesaid charges/allegation of fraud or irregularities in various account cannot be proved. The allegation were not in public domain nor same can be proved as not a single documents or evidence of fraud or irregulars or loss what to talk of serious loss to bank was on record or put before this Hon'ble Court.

v) That admittedly the punishment was awarded under Bipartite Settlements only. No other service rules of erstwhile Bareilly Corporation Bank or Bank of Baroda neither relied nor filed by the management before this Hon'ble Court.

In Bipartite Settlement dt. 10.04.2002 which was in operation when punishment was awarded and in clause 6 various punishments for guilt of gross misconduct has been prescribed, term of sub clause (e) is as under:-e)

e) Be brought down to lower stage in the scale of pay upto a maximum of two stages or.

It is clearly stipulate that Disciplinary Authority cannot award multiple punishments and as such the punishment handover to claimant vie order dt. 31.03.2003, is beyond the prescribed maximum of two stages in pay scale as such order is beyond Jurisdiction , illegal and stringent. Multiple punishments having cumulative effect which will have the effect of postponing further increment is nowhere prescribed Under Bipartite Settlement order has been passed with modified and preset mind. The effect of such punishment is , reduced in his time scale by number of steps for which increments are withheld and is in perpetuity during rest of tenure and same cannot be imposed being totally contrary to the terms of Settlement and harsh as having long term effect in scale as well pension and other retrial benefits of claimant.

Reliance is place on following judgments:

- i) 190(6) SLR 73 case titled as
Kulwant Singh Gill
Versus
State of Punjab Annexure G
- ii) 1986 (4) SLR 124 case titled as
TC Kanan
Versus
Govt. of T.N. Annexure H
- vi) That claimant has stated in has claim para 12 and 24 of his Chief Examination that Disciplinary Authority failed to consider the provisions lead down in clause 19.12. of Bipartite Settlement, which mandate Authority to considered Extenuating circumstances as well as previous record of claimant. Same was not considered as such discretion to impose appropriate punishment has not been exercised in proper and fair manner and not sustainable in the law being in violation of prescribed service conditions. The order of Disciplinary Authority dt. 31.03.2003 is highly disproportionate, illegal , unlawful irrational , perverse, harsh and does commensurate with gravity of misconduct and likely to set-aside by this Hon'ble Court.

E) ORDER OF APPELLATE AUTHORITY Dt. 29.06.2005 ILLEGAL.

That claimant has filed appeal dt. 21.06.2003 Exh. WW1/5 before Appellate Authority within stipulated period. The Appellate Authority slept on the same for more than two years and without considering the submission in appeal and documents on record and facts that Disciplinary

authority has passed the impugned order without holding charges proved with reference to any evidence how the allegations of charge sheet proved and his past record as well as no reason of delay in passing order. Appeal was dismissed mechanically in violation provision prescribed in clause 14 of Bipartite Settlement dt. 10.04.2002, which were in operation vide order dt. 29.06.2005 Ex. WW1/6 term of clause clearly mandate the Appellate Authority to decided appeal within a fix period of two months.

Admitted appeal was filed on 29.05.2003 and was decided on 29.06.2005 after prescribed time limit without any explanation for the same. As such order of Appellate Authority is not Jurisdiction as authority not competent to exercise powers after the expiry of two months.

Reliance is placed of the Judgment of CAT Hyderabad

1989 (1) SLR 445 case titled as

P.Rajaram

Versus

Director Postal Services

Annexure (J)

Hon'ble Court competent to re-asses the evidence documents on record a well as the provisions laid down in Bipartite Settlements under which punishment has been awarded.

On the aforesaid facts & submission the order dt. 31.03.2003 of Disciplinary Authority as well as order dt. 29.06.2005 of Appellate Authority are not sustainable being illegal, against the provision of service rules, harsh and does not commensurate the gravity of misconduct being highly dis-proportionate.

Reference is likely to answer in favour of claimant / workman and aforesaid may by set-side being illegal, unlawful and bad on law.

In the light of contentions and counter contentions I perused the pleadings of claim statement, written statement, and rejoinder and evidence of parties on record including written arguments of parties as well as principles laid down cited rulings and settled law of Hon'ble Supreme Court on the relevant points including provision laid down in clause 19.2 of Bipartite Settlement including relevant provision relating to major penalty /minor penalty awarded after departmental enquiry – Effect of stoppage of increments with cumulative effect and settled law of Hon'ble S.C. on this point.

Through its written arguments management has challenged the jurisdiction of this Tribunal alongwith other points.

So I am firstly deciding the point of jurisdiction of this Tribunal raised by Ld. A/R for the management.

It is relevant to mention here that reference no. L-12011/87/2008-IR(B-II) dated 7.10.2008 New Delhi received in this Tribunal on 31.10.2008. On the basis of which my Ld. Predecessor register it as I.D. No. 50/2008.

It is further relevant to mention here that management has not filed writ-petition against aforesaid reference order. Which was the available remedy against reference order. That was not availed by management hence reference order has become final so management is estopped to challenge the jurisdiction of this Tribunal on the principle of resjudicata and estoppel.

Moreover this Tribunal has no power to ignore the compliance of reference order of Labour Ministry, Government of India, New Delhi.

Therefore this Tribunal has jurisdiction to decide the instant I. D. So point of no jurisdiction to Tribunal raised by Ld. A/R for management is of no avail to him. Which is accordingly decided in favour of workman and against management.

Now I am dealing with point of punishment of workman dated 31.3.2003 Ext. WW1/4 as well order of appellate authority date 29.6.2005.

Through aforesaid order it is crystal clear that Disciplinary Authority passed order of stoppage of eight increments of workman with cumulative effect.

Which has been confirmed by appellate authority without applying mind and not considering its effect although its effect is that workman is reduced in his time – scale by a number of steps for which the increments are withheld and it is in perpetuity during the rest of his tenure. Then it is considered Major penalty. Which cannot be imposed without holding regular departmental enquiry. Aforesaid principle laid down by their Lordship of Supreme Court in case of Kulwant Singh Gill Vs. State of Punjab 1990 (6) S.L.R. P.73

It is settled of law of Hon'ble Supreme Court on the aforesaid point so it is to be followed by all courts of India as precedent as per provisions of Art 141 of Constitution of India.

It is admitted fact that workman Sh. Rakesh Bhatnagar is still in service of Management Bank.

It is also admitted fact that previous service record of workman is unblemished. He was never warned even for any misconduct.

Although it is alleged by management that workman committed embezzlement at more than one time to show that he paid off loan taken on by workman on the basis of his F.D.R. But alleged embezzlement is not proved because no amount of alleged embezzlements converted into his

use. As calculation mistakes were detected on checking. So according to case of management only case of attempt to commit embezzlement is made out. Which too is not made out in the instant case as in the case of attempt to commit embezzlement there must be no option to workman to retreat back from commission of embezzlement.

So hardly workman made preparation to commit of embezzlement of amount as alleged by management. But such preparation is not punishable in any law. Hence, he cannot be held liable for misconduct on aforesaid count.

Moreover possibilities of innocent calculation mistakes cannot be ruled out specially in countless bank transactions regularly held in bank. Disciplinary Authority while awarding cumulative punishment to workman brushed aside aforesaid aspect. Due to which awarded punishment to workman has become shocking and disproportionate punishment to his misconduct. Hence this Tribunal is compelled to exercise power u/s 11-A of ID Act, 1947 to reduce awarded punishment.

It is relevant to mention here that Bank deals in public money.

But it is also relevant to mention here that at the time of awarding punishment to workman for his misconduct, it is to be seen whether it is 1st instance of misconduct or not.

If not then what punishment was awarded to him for his earlier misconduct.

If delinquent commits misconduct of similar nature again then severe punishment can be awarded. Then it will be justified. This principle has been laid down in case of P.N.B Vs. The Labour Court & ors. 2015 LLR 1007 by his Lordship of Hon'ble Kerala High Court on the basis of settled law.

As workman was not previous convict of misconduct hence penalty of withholding of eight increments with cumulative effect imposed on him is major penalty. Which cannot be imposed without holding a regular departmental enquiry.

This principle has been laid down in case Kulwant Singh Supra. Which applies with full force in the instant case.

Principles laid down in rulings cited on behalf of management are inapplicable due to distinguishable facts in the instant case.

Aforesaid principles laid down in aforesaid rulings cited on behalf of workman are applied with full force in the instant case as Disciplinary Authority ignored the report of Enquiry Officer and imposed penalty on workman. So Penalty imposed on workman is not warranted. Which

requires modification from withholding of eight increments with cumulative effect to withholding of two increments of workman without cumulative effect.

Which is accordingly modified.

Reference is liable to be partly decided in favour of workman and partly against Bank Management. Which is accordingly decided and claim statement is partly allowed. Management is directed to comply the directions after expiry of period of available remedy against this Award.

Award is accordingly passed.

Dated:-28.1.2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 18 फरवरी, 2016

का.आ. 360.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 918/2004) (3/2003) को प्रकाशित करती है जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-12012/159/2002-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 18th February, 2016

S.O. 360.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 918/2004) (ITC No. 3/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Dena Bank and their workmen, received by the Central Government on 18.02.2016.

[No. L-12012/159/2002-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi, Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad,
Dated 11th December, 2015

Reference: (CGITA) No. 918/2004

Reference: (ITC) No. 3/2003

1. The Branch Manager,
Dena Bank,
ODE, Tal: Umreth,
Anand (Gujarat)

...First Party

Vs.

Their Workman,
Sh. Dilipbhai Ravjibhai Harijan,
ODE, Tal: Umreth,
Anand (Gujarat)

...Second Party

For the First Party : Sh. Advocate

For the Second Party : Sh. Advocate

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/159/2002-IR(B-II) dated 10.02.2003 referred the dispute for adjudication to the Industrial Tribunal, Nadiad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Branch Manager, Dena Bank, Ode Branch in discontinuing/terminating the service of Shri Dilipbhai Ravjibhai Harijan w.e.f. 05.09.2001 is legal and justified? If not, what relief the concerned workman is entitled to and from which date?”

2. The reference dates back to 10.02.2003. After issuing notice to the parties filed their statement of claim and written statement respectively on 07.08.2003 and 04.03.2004 but it is unfortunate that even after filing the statement of claim and written statement, both the parties have not been responding since last several dates.

3. Thus it appears that both the parties are not interested in the proceedings of the reference.

4. Thus the Tribunal has no option but to dismiss the reference in default of the parties.

The reference is dismissed in default of the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 18 फरवरी, 2016

का.आ. 361.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 93/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-12011/76/2007-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 18th February, 2016

S.O. 361.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 93/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 18.02.2016.

[No. L-12011/76/2007-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi, Presiding Officer
CGIT-cum-Labour Court,
Ahmedabad,
Dated 11th December, 2015

Reference: (CGITA) No. 93/2007

1. The Regional Manager,
Central Bank of India,
Regional Office, Post Box No. 534,
Central Bank Building,
2nd Floor,
Mandvi Tower Road,
Jamnagar-361001

...First Party

Vs.

Their Workman,
Through the Regional Secretary,
Central Bank Staff Union,
C/o. Central Bank of India,
Gandhi Chowk Branch,
Jamnagar

...Second Party

For the First Party :

For the Second Party :

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/76/2007-IR (B-II) dated 18.09.2007 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Central Bank of India in awarding the punishment of bringing down by one stage of pay for one year without

cumulative effect to Shri A.A. Bawani, Cashier ‘E’ Verad Branch and exonerating the other two charge-sheeted employees by giving only censer is legal and justified? If not, to what relief the workman concerned is entitled to?”

2. The present reference dates back to 18.09.2007. parties were issued notice on behalf of the second party, Central Bank Staff Union, Gujarat moved an application on 02.09.2008 for seeking time to file the statement of claim. Despite seeking time till date statement of claim has not been filed by the workman.

3. It is noteworthy that since last several dates none have been responding for either of the parties.

4. Thus it appears that second party workman has no interest in the proceeding of the reference. Thus the reference is liable to be dismissed in default of the parties.

The reference is dismissed in default of the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 19 फरवरी, 2016

का.आ. 362.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हिंदुस्तान कंस्ट्रक्शन कंपनी लिमिटेड, उत्तराखंड के प्रबंधन के संबंध में उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, दिल्ली के पंचाट (संदर्भ संख्या 104/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/02/2016 को प्राप्त हुआ था।

[सं. एल-42011/26/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 19th February, 2016

S.O. 362.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 104/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Hindustan Construction Co. Ltd., Uttarakhand and their workmen, which was received by the Central Government on 18/02/2016.

[No. L-42011/26/2015-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, ROOM NO.33, BLOCK-A, GROUND FLOOR, KARKARDOOMA COURT COMPLEX, KARKARDOOMA, DELHI 110032

Present : Shri Harbansh Kumar Saxena

ID. No. 104/2015

Sh. Krishan Lal, Arya,
National Vice President,
HCC, Staff and workers Union,
Khandkhala, Bhagirathipuram,
Tehri, Tehri Garhwal,
Uttarakhand-249124

...Workman

Versus

The Project Manager,
M/s. Hindustan Construction Co. Ltd.,
Khandkhala, Bhagirathipuram,
Tehri, Tehri Garhwal,
Uttarakhand-249124

...Management

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide Letter No. L- 42011/26/2015-IR(DU) dated 20.04.2015 referred the following Industrial Dispute to this Tribunal for adjudication :-

“Whether the management of Hindustan Construction Co. Ltd., Tehri is justified the ad-hoc allowance form the earned wages of its CS category workmen during the period of Oct, 2014 to Dec, 2014 ? If not what should be time limit for payment of ad-hoc allowance as arrears in respect of CS category workmen.

On 24.07.2015 reference was received in this tribunal. Which was register as I.D No. 104/2015 and claimants were called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

Several opportunities given to workman as well as management but neither workman nor management filed claim statement / Response to the reference.

In this background there is no option to this tribunal except to pass No Dispute Award because parties are not interested to file their respective pleadings.

On the basis of which none of the party can be directed to adduce its evidence. As it is case of no pleadings and evidence of claimant. So No dispute Award is liable to be passed.

No Dispute Award is accordingly passed.

Dated:-08/02/2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 19 फरवरी, 2016

का.आ. 363.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ऑप्टो इलेक्ट्रॉनिक्स फैक्ट्री, देहरादून के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, दिल्ली के पंचाट (संदर्भ संख्या 12/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18/02/2016 को प्राप्त हुआ था।

[सं. एल-42012/29/2014-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 19th February, 2016

S.O. 363.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 12/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Opto Electronics Factory, Dehradun and their workman, which was received by the Central Government on 18/02/2016.

[No. L-42012/29/2014-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II, ROOM
NO. 33, BLOCK-A, GROUND FLOOR,
KARKARDOOMA COURT COMPLEX,
KARKARDOOMA, DELHI 110 032**

Present : Shri Harbansh Kumar Saxena

ID. No. 12/2015

Sh. Devender S/o Late Sh. Satender Singh,
R/o 5/117, Chander Road,
Nai Basti (Rajesh Colony),
PO-Dalanwala,
Dehradun-248001

VERSUS

The General Manager,
Opto Electronics Factory,
Raipur Road,
Dehradun-492001.

No DISPUTE AWARD

The Central Government in the Ministry of Labour vide Letter No. L- 42012/29/2014-IR(DU) dated 30.12.2014 referred the following Industrial Dispute to this Tribunal for adjudication :-

“Whether Shri Devender’s case holds merit for consideration for appointment on compassionate ground being the earliest case among the equal three? If so, the management of OEF, Dehradun, should process accordingly in a fixed time period.

On 11.03.2015 reference was received in this tribunal. Which was register as I.D No. 12/2015 and claimant was

called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

Several opportunities given to workman as well as management but neither workman nor management filed claim statement/Response to the reference.

In this background there is no option to this tribunal except to pass No Dispute Award because parties are not interested to file their respective pleadings.

On the basis of which none of the party can be directed to adduce its evidence. As it is case of no pleadings and evidence of claimant. So, No Dispute Award is liable to be passed.

No Dispute Award is accordingly passed.

Dated:-08/02/2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 19 फरवरी, 2016

का.आ. 364.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 1 मार्च, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

रेवेन्यु विल्लेज-चिरक्कडवु, तालुक-कांजिरप्पल्ली,
जिला-कोट्टयम ।

[सं. एस-38013/01/2016-एस.एस. I]

अजय मलिक, अवर सचिव

New Delhi, the 19th February, 2016

S.O. 364.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2016 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

Revenue Village of Chirakkadavu in Kanjirapally Taluk of Kottayam District.

[No. S-38013/01/2016-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 19 फरवरी, 2016

का.आ. 365.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 1 मार्च, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

रेवेन्यु विल्लेज-वेल्लावूर, तालुक-कांजिरप्पल्ली,
जिला-कोट्टयम ।

[सं. एस-38013/02/2016-एस.एस. I]

अजय मलिक, अवर सचिव

New Delhi, the 19th February, 2016

S.O. 365.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2016 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

Revenue Village of Vellavoor in Kanjirappally Taluk of Kottayam District.

[No. S-38013/02/2016-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 19 फरवरी, 2016

का.आ. 366.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 1 मार्च, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

रेवेन्यु विल्लेज-कूवप्पल्ली, तालुक-कांजिरप्पल्ली,
जिला-कोट्टयम ।

[सं. एस-38013/03/2016-एस.एस. I]

अजय मलिक, अवर सचिव

New Delhi, the 19th February, 2016

S.O. 366.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State

Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2016 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

Revenue Village of Koovappally in Kanjirappally Taluk of Kottayam District.

[No. S-38013/03/2016-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 19 फरवरी, 2016

का.आ. 367.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 मार्च, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

रेवेन्यु विल्लेज-एडक्कुन्नम, तालुक-कांजिरप्पल्ली,
जिला-कोट्टयम।

[सं. एस-38013/04/2016-एस.एस. I]

अजय मलिक, अवर सचिव

New Delhi, the 19th February, 2016

S.O. 367.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2016 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

Revenue Village of Edakkunnam in Kanjirappally Taluk of Kottayam District.

[No. S-38013/04/2016-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 19 फरवरी, 2016

का.आ. 368.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 मार्च, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है)

अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

रेवेन्यु विल्लेज-कांजिरप्पल्ली, तालुक-कांजिरप्पल्ली,
जिला-कोट्टयम।

[सं. एस-38013/05/2016-एस.एस. I]

अजय मलिक, अवर सचिव

New Delhi, the 19th February, 2016

S.O. 368.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2016 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

Revenue Village of Kanjirappally in Kanjirappally Taluk of Kottayam District.

[No. S-38013/05/2016-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 19 फरवरी, 2016

का.आ. 369.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 मार्च, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

रेवेन्यु विल्लेज-मणिमला, तालुक-कांजिरप्पल्ली,
जिला-कोट्टयम।

[सं. एस-38013/06/2016-एस.एस. I]

अजय मलिक, अवर सचिव

New Delhi, the 19th February, 2016

S.O. 369.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2016 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

Revenue Village of Manimala in Kanjirappally Taluk of Kottayam District.

[No. S-38013/06/2016-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 19 फरवरी, 2016

का.आ. 370.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 मार्च, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबन्ध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

रेवेन्यु विल्लेज-पय्यनाड, तालुक-एरनाड, जिला-मलप्पुरम ।

[सं. एस-38013/07/2016-एस.एस. I]

अजय मलिक, अवर सचिव

New Delhi, the 19th February, 2016

S.O. 370.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2016 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

Revenue Village of Payyanad in Ernad Taluk of Malappuram District.

[No. S-38013/07/2016-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 19 फरवरी, 2016

का.आ. 371.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 मार्च, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबन्ध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

रेवेन्यु विल्लेज-मंजेरी, तालुक-एरनाड, जिला-मलप्पुरम ।

[सं. एस-38013/08/2016-एस.एस. I]

अजय मलिक, अवर सचिव

New Delhi, the 19th February, 2016

S.O. 371.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2016 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

Revenue Village of Manjeri in Ernad Taluk of Malappuram District.

[No. S-38013/08/2016-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 19 फरवरी, 2016

का.आ. 372.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 1 मार्च, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उप-धारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबन्ध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

रेवेन्यु विल्लेज-चेरुवल्ली, तालुक-कांजिरप्पल्ली, जिला-कोट्टयम ।

[सं. एस-38013/09/2016-एस.एस. I]

अजय मलिक, अवर सचिव

New Delhi, the 19th February, 2016

S.O. 372.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st March, 2016 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala namely :—

Revenue Village of Cheruvally in Kanjirappally Taluk of Kottayam District.

[No. S-38013/09/2016-S.S. I]

AJAY MALIK, Under Secy.

नई दिल्ली, 22 फरवरी, 2016

का.आ. 373.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स अक्दास मैरीटाइम एजेन्सी प्रा. लिमिटेड और दूसरों के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली के पंचाट (संदर्भ संख्या 38/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-42012/22/2014-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 22nd February, 2016

S.O. 373.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 38/2015) of the Central Government Industrial Tribunal/Labour Court-2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Aqdas Maritime Agency Pvt. Ltd. and other and their workmen, which was received by the Central Government on 18.02.2016.

[No. L-42012/22/2014-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, ROOM NO. 33, BLOCK-A, GROUND FLOOR, KARKARDOOMA COURT COMPLEX, KARKARDOOMA, DELHI-110032

Present :

Shri Harbansh Kumar Saxena

ID. No. 38/15

Sh. Akhilesh Kumar, S/o Sh. Kanta Prasad,
through, General Mazdoor Lal Jhanda Union,
B-1/A, Nathu Colony (East), 100 Foota Road,
Delhi-110093

Versus

1. The Manager,
M/s. Aqdas Maritime Agency Pvt. Ltd., 32/33,
Eastern Chamber, 4th Floor, 128/A,
Nandal Jani Marg, (Poora Street),
Mumbai-400009.

2. The Managing Director,
Central Warehousing Corporation,
4/1, Siri Fort Industrial Area,
August Kranti Marg, Hauz Khas, New Delhi-110016.

3. The Regional Manager,
Central Warehousing Corporation,

Scope Minar, First Floor, Laxmi Nagar,
New Delhi-110092.

4. The Manager,
M/s. Suman Forwarding Agency Pvt. Ltd.
ICD, Near Gazipur village,
Patparganj, Delhi-110096.

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide Letter No. L- 42012/22/2014-IR(M)) dated 11.2.2015 referred the following Industrial Dispute to this tribunal for adjudication :-

“Whether the termination of Sh. Akhilesh Kumar, S/o Sh. Kanta Prasad, w.e.f. 3.1.2013 by the management no. 4 i.e. Suman Forwarding Agency Pvt. Ltd. without making payment of legitimate due is just, fair and legal? If not what relief will be given to the workman and from which date? Whether the management no. 1 & 2 i.e. Central Warehousing Corporation is responsible to ensure and secure continuance of employment of Sh. Akhilesh Kumar, S/o Sh. Kanta Prasad, in the establishment of new contractor appointed for undertaking the job of such contractor i.e. management no. 3 i.e. M/s. Aqdas Maritime Agency Pvt. Ltd. If not, what relief the workman concerned is entitled to?”

On 11.03.2015 reference was received in this tribunal. Which was registered as I.D No. 38/2015 and claimant was called upon to file claim statement within fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

Several opportunities given to workman as well as management but neither workman nor management filed claim statement / Response to the reference.

In this background there is no option to this tribunal except to pass No Dispute Award because parties are not interested to file their respective pleadings.

On the basis of which none of the party can be directed to adduce its evidence. As it is case of no pleadings and evidence of claimant. So No dispute Award is liable to be passed.

No Dispute Award is accordingly passed.

Dated:-08/02/2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 374.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारत पेट्रोलियम कोर्पोरेशन लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई

दिल्ली के पंचाट (संदर्भ संख्या 193/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-30025/1/2016-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 22nd February, 2016

S.O. 374.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 193/2015) of the Central Government Industrial Tribunal/Labour Court-2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Bharat Petroleum Corporation Limited and their workmen, which was received by the Central Government on 18.02.2016.

[No. L-30025/1/2016-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
ROOM NO.33,BLOCK-A,GROUND FLOOR,
KARKARDOOMA COURT COMPLEX,
KARKARDOOMA, DELHI-110032**

Present:- Shri Harbansh Kumar Saxena

ID. No. 193/15

Sh. Rajender Kumar,
S/o Sh. Sheesh Ram,
R/o Village Ismilpur,
Dr. Megh Chapper,
District Saharanpur

...Workman

Versus

General Manager,
Bharat Petroleum Corporation Limited.
Maida Mill Fatak
Saharanpur

...Management

Ex-parte AWARD

Workman filed claim directly u/s 2A of ID. Act, 1947 on 23.09.2013. Which was registered as Misc. Case No. 4/13. Claim Statement filed but no reply in response to notice issued and served upon management after sufficient opportunity hence right to file reply by management has been closed by this Tribunal on 15.05.2014 and case was proceeded ex-parte against management and fixed 16.6.2014 for ex-parte evidence of workman. Workman to prove his case filed his affidavit on 9.3.2015. On 21.05.2015 workman tendered his affidavit alongwith annexed documents. After ex-parte evidence of workman case was fixed for ex-parte arguments Ld.A/R for workman on 21.09.2015 filed written arguments .

Although case was fixed for ex-parte oral arguments also. But Ld. A/R for the workman expressed his desire not to orally argue. Then I reserved the award on 30.11.2015.

On 22/12/15 I directed to concern clerk to register it as I.D. case than it was registered as I.D.No. 193/15.

Through written arguments claimed workman following reliefs :-

1. He be reinstated with full back wages.
2. He be reinstated at a required place of seniority list of workman to which he is entitled to reinstate alongwith other consequential reliefs.
3. He be given any other relief which this Tribunal deems fit.

In the light of contentions of Ld. A/R for the workman mentioned in written arguments. I perused the pleadings and evidence of workman on record. Which makes it crystal clear that date of termination of workman is 1.3.1997 and this Industrial Dispute by him have been filed on 23.9.2013 after three years. Which is not maintainable as per provisions of section 2A (3) of ID. Act as time barred. Which requires that such dispute must be filed within a period of 3 years since dismissal /termination of workman.

In these circumstances this Tribunal has no option except to dismiss this Industrial Dispute as time barred. Hence it is liable to be decided against workman and in favour of management. Which is accordingly decided.

Award is accordingly passed.

Dated:-08.02.2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 375.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स अक्कास मैरीटाइम एजेन्सी प्रा. लिमिटेड और दूसरों के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली के पंचाट (संदर्भ संख्या 37/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-42012/21/2014-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 22nd February, 2016

S.O. 375.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2015) of the Central Government Industrial Tribunal/Labour Court-2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of M/s. Aqdas Maritime Agency Pvt. Ltd. and other and their workmen, which was received by the Central Government on 18.02.2016.

[No. L-42012/21/2014-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
ROOM NO.33,BLOCK-A, GROUND FLOOR,
KARKARDOOMA COURT COMPLEX,
KARKARDOOMA, DELHI-110032**

Present:- Shri Harbansh Kumar Saxena

ID. No. 37/15

Sh.Sajay Yadav, S/o Sh. Phool Chandra Yadav,
through, General Mazdoor Lal Jhanda Union,
B-1/A, Nathu Colony (East) , 100 Foota Road,
Delhi -110093

...Workman

Versus

1. The Manager,
M/s. Aqdas Maritime Agency Pvt. Ltd., 32/33,
Eastern Chamber , 4th Floor, 128/A,
Nandal Jani Marg, (Poora Street),
Mumbai-400009.

2.The Managing Director ,
Central Warehousing Corporation,
4/1, Siri Fort Industrial Area,
August Kranti Marg, Hauz Khas, New Delhi-110016.

3.The Regional Manager ,
Central Warehousing Corporation,
Scope Minar, First Floor, Laxmi Nagar, New Delhi-110092.

4. The Manager,
M/s. Suman Forwarding Agency Pvt. Ltd.
ICD , Near Gazipur village,
Patparganj, Delhi-110096.

...Management

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide Letter No. L- 42012/21/2014-IR(M) dated 11.12.2014 referred the following Industrial Dispute to this tribunal for adjudication :-

“Whether the termination of Sh. Sajay Yadav, S/o Sh. Phool Chandra Yadav, w.e.f. 3.1.2013 by the management no. 4 i.e. Suman Forwarding Agency Pvt. Ltd. without making payment of legitimate due is just, fair and legal? If not what relief will be given to the workman and from which date? Whether the management no. 1 & 2 i.e. Central Warehousing

Corporation is responsible to ensure and secure continuance of employment of Sh. Sajay Yadav, S/o Sh. Phool Chandra Yadav, in the establishment of new contractor appointed for undertaking the job of such contractor i.e. management no. 3 i.e. M/s. Aqdas Maritime Agency Pvt. Ltd. If not, what relief the workman concerned is entitled to?”

On 11.03.2015 reference was received in this tribunal. Which was register as I.D No. 37/2015 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

Several opportunities given to workman as well as management but neither workman nor management filed claim statement / Response to the reference.

In this background there is no option to this tribunal except to pass No Dispute Award because parties are not interested to file their respective pleadings.

On the basis of which none of the party can be directed to adduce its evidence. As it is case of no pleadings and evidence of claimant. So No dispute Award is liable to be passed.

No Dispute Award is accordingly passed.

Dated:-08/02/2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 376.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स अक्दास मैरीटाइम एजेन्सी प्रा. लिमिटेड और दूसरों के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली के पंचाट (संदर्भ संख्या 34/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-42011/11/2014-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 22nd February, 2016

S.O. 376.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 34/2015) of the Central Government Industrial Tribunal/Labour Court-2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Aqdas Maritime Agency Pvt. Ltd. and others and their workmen, which was received by the Central Government on 18.02.2016.

[No. L-42011/11/2014-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
ROOM NO.33,BLOCK-A,GROUND FLOOR,
KARKARDOOMA COURT COMPLEX,
KARKARDOOMA, DELHI-110032**

Present:- Shri Harbansh Kumar Saxena

ID.No. 34/15

Sh. Ishar Hussain, S/o Sh. Hameed Hussain,
Through, General Mazdoor Lal Jhanda Union,
B-1/A , Nathu Colony (East),
100 Foota Road,
Delhi-110093.

Versus

- 1.The Manager,
M/s. Aqdas Maritime Agency Pvt. Ltd., 32/33,
Eastern Chamber , 4th Floor, 128/A,
Nandal Jani Marg, (Poora Street),
Mumbai-400009.
- 2.The Managing Director ,
Central Warehousing Corporation,
4/1, Siri Fort Industrial Area,
August Kranti Marg, Hauz Khas, New Delhi-110016.
- 3.The Regional Manager ,
Central Warehousing Corporation,
Scope Minar, First Floor, Laxmi Nagar, New Delhi-110092.
4. The Manager,
M/s. Suman Forwarding Agency Pvt. Ltd.
ICD , Near Gazipur village,
Patparganj, Delhi-110096.

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide Letter No. L- 42011/11/2014-IR (M) dated 12.02.2015 referred the following Industrial Dispute to this tribunal for adjudication :-

“Whether the termination of Sh. Ishar Hussain S/o Hameed Hussain w.e.f. 3.1.2013 by the management no. 4 i.e. Suman Forwarding Agency Pvt. Ltd. without making payment of legitimate due is just, fair and legal? If not what relief will be given to the workman and from which date? Whether the management no. 1 & 2 i.e. Central Warehousing Corporation is responsible to ensure and secure continuance of employment of Sh. Ishar Hussain S/o Sh. Hameed Hussain in the establishment of new contractor appointed for undertaking the job of such contractor i.e. management no. 3 i.e. M/s. Aqdas Maritime Agency Pvt. Ltd. If not, what relief the workman concerned is entitled to?”

On 11.03.2015 reference was received in this tribunal. Which was register as I.D No. 34/2015 and claimant was

called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

Several opportunities given to workman as well as management but neither workman nor management filed claim statement / Response to the reference.

In this background there is no option to this tribunal except to pass No Dispute Award because parties are not interested to file their respective pleadings.

On the basis of which none of the party can be directed to adduce its evidence. As it is case of no pleadings and evidence of claimant. So No dispute Award is liable to be passed.

Dated:-08/02/2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 377.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स अक्दास मैरीटाइम एजेन्सी प्रा. लिमिटेड और दूसरों के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली के पंचाट (संदर्भ संख्या 32/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-42011/6/2014-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 22nd February, 2016

S.O. 377.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/ 2015) of the Central Government Industrial Tribunal/Labour Court-2, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Aqdas Maritime Agency Pvt. Ltd. and other and their workman, which was received by the Central Government on 18.02.2016.

[No. L-42011/6/2014-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

**CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-II,
ROOM NO.33,BLOCK-A,GROUND FLOOR,
KARKARDOOMA COURT COMPLEX,
KARKARDOOMA, DELHI-110032**

Present:- Shri Harbansh Kumar Saxena

ID. No. 32/15

Sh.V.A. Mishara, S/o Sh. Parasu Ram Mishra,
Through, General Mazdoor Lal Jhanda Union,
B-1/A, Nathu Colony (East) , 100 Foota Road,
Delhi -110093

Versus

1.The Manager,
M/s. Aqdas Maritime Agency Pvt. Ltd., 32/33,
Eastern Chamber , 4th Floor, 128/A,
Nandal Jani Marg, (Poora Street),
Mumbai-400009.

2.The Managing Director ,
Central Warehousing Corporation,
4/1, Siri Fort Industrial Area,
August Kranti Marg, Hauz Khas, New Delhi-110016.

3.The Regional Manager ,
Central Warehousing Corporation,
Scope Minar, First Floor, Laxmi Nagar,
New Delhi-110092.

4. The Manager,
M/s. Suman Forwarding Agency Pvt. Ltd.
ICD , Near Gazipur village,
Patparganj, Delhi-110096.

NO DISPUTE AWARD

The Central Government in the Ministry of Labour vide Letter No.L- 42011/6/2014-IR(M)) dated 13.02.2015 referred the following Industrial Dispute to this Tribunal for adjudication :-

“Whether the termination of Sh. V.A Mishara S/o Sh. Parasu Ram Mishra, w.e.f. 3.1.2013 by the management no. 4 i.e. Suman Forwarding Agency Pvt. Ltd. without making payment of legitimate due is just, fair and legal? If not what relief will be given to the workman and from which date? Whether the management no. 1 & 2 i.e. Central Warehousing Corporation is responsible to ensure and secure continuance of employment of Sh. V.A Mishara S/o Sh. Parasu Ram Mishra, in the establishment of new contractor appointed for undertaking the job of such contractor i.e. management no. 3 i.e. M/s Aqdas Maritime Agency Pvt. Ltd. If not, what relief the workman concerned is entitled to?”

On 11.03.2015 reference was received in this tribunal. Which was register as I.D No. 32/2015 and claimant was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

Several opportunities given to workman as well as management but neither workman nor management filed claim statement / Response to the reference.

In this background there is no option to this tribunal except to pass No Dispute Award because parties are not interested to file their respective pleadings.

On the basis of which none of the party can be directed to adduce its evidence. As it is case of no pleadings and evidence of claimant. So No dispute Award is liable to be passed.

No Dispute Award is accordingly passed.

Dated:-08/02/2016

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 378.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आर्किओलॉजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या 8/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-42012/68/2008-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 378.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 8/2009) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Archaeological Survey of India and their workman, which was received by the Central Government on 18.02.2016.

[No. L-42012/68/2008-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE SRI SHUBHENDRA KUMAR, HJS,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOR COURT,
KANPUR**

Industrial Dispute No. 8 of 2009

Between :

Sri Virendra alias Babu, son of Sri Kali Charan,
149, Shivaji Nagar,
Kanpur Road,
Jhansi.

And

Dy. Superintending Horticulturist,
Archaeological Survey of India,
Horticulture Division No.1,
Taj Mahal, Agra.

AWARD

1. Central Government, Mol, New Delhi, vide notification no.L-42012/68/2008-IR(DU) dated 17.02.09, has referred the following dispute for adjudication to this tribunal-

2. Whether the action of the management of Archaeological Survey of India, in terminating the services of their workman Sri Virendra Alias Babu w.e.f. 01.05.2006 is legal and justified? If not to what relief the workman is entitled to?

3. In short the claim of the worker is that he worked continuously from 01.03.04 to 30.04.06 as casual gardner under the opposite party at Jhansi and almost completed 240 days of continuous service in each calendar year during the said period and in this way he acquired a right of getting regular and permanent employment under the opposite party. The opposite party abruptly and without showing any cause terminated the service of the worker with effect from 01.05.06 in utter disregard of provision of section 25 F of the I.D. Act, 1947. Not only it but the opposite party have badly breached the provision of section 25G and 25H of the Act openly. Hundreds of junior persons to the worker are still working under the opposite party and after removing the service of the worker opposite party engaged Sri Kailash, Suresh and Sri Pradeep who are still working under the opposite party at Jhansi. It is also alleged that the opposite party appoints persons on the vacant posts under group "D" category but the right of the worker to be appointed has been prevented by the opposite party.

4. In the end it has been prayed by the worker that the action of the management be set aside and he be reinstated in the service of the opposite party with full back wages and continuity of service.

5. The claim of the worker has been refuted by the opposite party, inte-ralia, on the ground that ASI Horticulture Division 1, Tajmahal, Agra, is responsible for maintenance and development of gardens around the National Protected Monument for improvement of environment which is a part of sovereign functions, therefore ASI is not an Industrial Establishment. The worker had never been employed as casual employee as gardner in ASI Horticulture Division. 1 Taj Mahal Agra and their sub divisions as mentioned in the statement of claim nor had ever completed continuous service of 240 days preceding 12 calendar months from the date of his termination. Daily paid agriculture mazdoors are engaged a per requirement / need in casual and seasonal horticulture work in the department and the nature of work performed by the worker is not perennial but occasional, intermittent or casual. Opposite party had never terminated the service of the applicant with effect from 01.05.06. The opposite party engage daily paid casual labor from open market for shorter period less than a month to complete horticulture work purely of casual nature, the worker had no lien against

any post or right to claim regular and permanent employment. Vacancies created under the opposite party are filled up in accordance with the rules and provisions of Government of India after following the due procedure as laid down by ASI. Opposite party had never issued any appointment letter to the worker and likewise had never issued any termination letter in favor of the worker. As the opposite party had never terminated the services of the worker, therefore, question of breach of the relevant provision of the Act does not arise. The claim of the worker do not fall within the term of Industrial Dispute hence, is not tenable before this tribunal. Worker is also not a workman under the provision of section 2(s) of the Act, therefore, the claim of the worker suffers from serious latches and being so the same is devoid of merit and is therefore, liable to be rejected.

6. Worker has also filed certain photocopies of documents along with his claim petition.

7. Worker has also moved an application for summoning certain documents from the opposite party. Against it the opposite party filed its reply on affidavit alleging therein that the all efforts were made to find out the muster roll and payment sheet vouchers of the aid periods but the same could not be traced out by the department.

8. Opportunity to adduce evidence by the worker was closed by order dated 05.05.15 as he did not turn up in the court.

9. As the worker did not adduce evidence, management also made an endorsement on the order sheet that they will also not adduce any evidence in the case.

10. Therefore, it is a case where none of the contesting parties have adduced their respective evidence documentary or oral to prove their cases.

11. Therefore, as the worker has completely failed to prove his case and further failed to adduce evidence to prove the fact that he had worked continuously for 240 days preceding 12 calendar months from the date of termination of his service, he cannot be held entitled for any relief for want of evidence and proof.

12. Therefore, reference is decided against the worker and it is held that he is not entitled for the relief claimed by him.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 379.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट

(संदर्भ संख्या 15/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-40012/84/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 379.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 15/2014) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Sanchar Nigam Limited and their workman, which was received by the Central Government on 18.02.2016.

[No. L-40012/84/2013-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOR COURT, KANPUR

Industrial Dispute No. 15 of 2014

Between-

Sri R.C. Pandey,
Prantiya Sachiv,
Bhartiya Telecom Employees Union,
BSNL, 53-A, Visheshwar Nagar,
Alambagh,
Lucknow – 226 005.

And

Chief General Manager,
BSNL UP Circle,
Hazaratganj,
Lucknow – 226 001.

AWARD

1. Central Government, Mol, New Delhi, vide notification no. L- 40012/84/2013-IR(D.U.) dated 21.01.14, has referred the following dispute for adjudication to this tribunal-

2. Whether the action of the management of the BSNL Lucknow in transferring Sri Shrawan Ran, Telecom Mechanic from Varanasi to Dharauli under SDO Phone Chandauli and Sri Babu Lal, Telecom Mechanic from Varanasi to Khamaria in consequence of order of management with a view to deprive upon activity is legal and justified? If not to what relief the concerned workmen are entitled for and to what extent?

3. The present dispute has been espoused on behalf of workers named in the schedule of reference order by the

Sachiv of BSNL Bhartiya Telecom Employees Union and the reference was received in the office of the tribunal and the same was registered.

4. Notices were issued to the parties connected with the reference order, on 11.3.14, and 13.5.15 under registered cover. From the record of the case it appears that none appeared in the case on the dates fixed in the case from the side of the Union nor any claim statement was filed in the case on behalf of the workers of the case.

5. It thus appears that the union raising the dispute is least interested in prosecuting the present reference order.

6. Under the circumstances of the case tribunal feels no hesitation in deciding the reference against the union for want of pleading and evidence.

7. Accordingly Union is not entitled for any benefit.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 380.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ब्रिटिश इंडिया कारपोरेशन हेड ऑफिस के प्रबंधन के संबंध में निर्योजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 20/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-42011/82/2011-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 380.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2012) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of British India Corporation Head Office and their workmen, which was received by the Central Government on 18.02.2016.

[No. L-42011/82/2011-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOR COURT, KANPUR

Industrial Dispute No. 20 of 2012

The President,
Cotton Woolen Textile Worker Union,

102/95A Colonel Ganj,
Kanpur.

And

The General Manager,
British India Corporation Head Office,
Elgin Mills Co. Ltd., Mill No.1,
Parwati Bagla Road,
Civil Lines,
Kanpur.

AWARD

1. Central Government, Mol, New Delhi, vide notification no.L-42011/82/2011-IR(DU) dated 03.02.2012 has referred the following dispute for adjudication to this tribunal-

2. Whether the action of the management of British India Corporation Ltd, Kanpur in denial to designate Sri Chandra Prakash Chaturvedi, Mohd. Nazim Khan, Jai Singh Yadav and Vijay Kumar Tiwari as peon despite their satisfactory working as peon for more than ten years is just fair and legal? If not what relief the workmen concerned are entitled to?

3. In the instant case after exchange of pleadings between the parties when the case was taken up for hearing on 11.05.15, which was the date for cross examination of the worker he remained absent from the proceedings whereas representative for the management was present. It also revealed that the workman is remaining absent from the proceedings of the case since last several dates therefore, it appears that the workers are not interested in prosecuting their claim before the tribunal. Therefore, as the workman could not be cross examined by the opposite party, opportunity of evidence was closed by the tribunal. His evidence cannot be read.

4. Management representative was present and considering the conduct of the worker also made an endorsement on the order sheet dated 11.05.15 that as the worker has not adduced any evidence they are not willing to give any evidence in the case.

5. Under the facts and circumstances of the case the tribunal is left with no other but to decide the reference against the workers for want of evidence. It is also held that concerned workers are not entitled for any relief pursuant to the reference.

6. Reference is answered accordingly.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 381.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आर्किओलॉजिकल सर्वे ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 24/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-42012/72/2007-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 381.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2008) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Archaeological Survey of India and their workman, which was received by the Central Government on 18.02.2016.

[No. L-42012/72/2007-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE SRI SHUBHENDRA KUMAR, HJS. PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM- LABOR COURT, KANPUR

Industrial Dispute No. 24 of 2008

Sri Chhatri Kumar son of Sri Ramji Mohto
30C/33/3 Tulsi Nagar,
Gobar Chowki,
Taj Ganj, Agra.

And

The Superintending Horticulturist,
Archaeological Survey of India,
Horticulture Division no.1,
Taj Mahal, Agra.

AWARD

1. Central Government, Mol, New Delhi, vide notification No. L42012/72/2007-IR(DU) dated 07.01.08, has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the management of Archaeological Survey of India, Agra in terminating the services of their workman Sri Chhatri Kumar w.e.f. 01.12.2005 is legal and justified? If not to what relief the workman is entitled to?

3. The claim of the worker is that he worked as gardner under the garden of the opposite party situate at different places at Agra during the period 09.11.02 to 30.11.2005 and in this way had rendered continuous service for more than 240 days in each year during the above period and had acquired a right to be appointed permanently under

the opposite party. The opposite party terminated the services of the worker w.e.f. 01.12.05 without any reason in violation of the provisions of section 25F of the Act. Opposite party have also breached the provisions of section 25G and 25H of the Act inasmuch as several juniors to the worker are engaged in various gardens run and controlled by the opposite party at different part of Agra, after removing the services of the worker.

4. On the basis of above pleadings the worker has claimed that the termination of his service is set aside and he be reinstated in the service of the opposite party with full back wages and continuity of service.

5. The claim of the worker has been refuted by the opposite party, inter alia, on the ground that ASI Horticulture Division 1, Tajmahal, Agra, is responsible for maintenance and development of gardens around the National Protected Monument for improvement of environment which is a part of sovereign functions, therefore ASI is not an Industrial Establishment. The worker had never been employed as casual employee as gardener in ASI Horticulture Division.1 Taj Mahal Agra and their sub divisions as mentioned in the statement of claim nor had ever completed continuous service of 240 days preceding 12 calendar months from the date of his termination. Daily paid agriculture mazdoors are engaged as per requirement / need in casual and seasonal horticulture work in the department and the nature of work performed by the worker is not perennial but occasional, intermittent or casual. Opposite party had never terminated the service of the applicant with effect from 01.12.05. The opposite party engaged daily paid casual labor from open market for shorter period less than a month to complete horticulture work purely of casual nature, the worker had no lien against any post or right to claim regular and permanent employment. Vacancies created under the opposite party are filled up in accordance with the rules and provisions of Government of India after following the due procedure as laid down by ASI. Opposite party had never issued any appointment letter to the worker and likewise had never issued any termination letter in favour of the worker. As the opposite party had never terminated the services of the worker 01.12.2005, therefore, question of breach of the relevant provision of the Act does not arise. It is also denied that the worker had ever completed 240 days of continuous service preceding 12 calendar months from the date of his termination. The claim of the worker do not fall within the term of Industrial Dispute hence is not tenable before this tribunal. Worker is also not a workman under the provision of section 2(s) of the Act, therefore, the claim of the worker suffers from serious lapses and being so the same is devoid of merit and is therefore, liable to be rejected.

6. The worker vide his application paper no.7/1-2 has summoned original sheet voucher from November 02 to November 05 from the management which was allowed. The management did not file the summoned documents

and filed an affidavit that these documents are not traceable.

7. Worker has also filed certain photocopies of documents along with his claim petition.

8. Opportunity to adduce evidence by the worker was closed by order dated 05.05.15 as he did not turn up in the court.

9. I have heard the arguments of the parties at length and have also perused the records carefully.

10. From the records of the case it reveals that as the worker did not adduce evidence, management also made an endorsement on the order sheet that they will also not adduce any evidence in the case.

11. Therefore, it is a case where none of the contesting parties have adduced their respective evidence documentary or oral to prove their cases.

12. Therefore, as the worker has completely failed to prove his case and further failed to adduce evidence to prove the fact that he had worked continuously for 240 days preceding 12 calendar months from the date of termination of his service, he cannot be held entitled for any relief for want of evidence and proof.

13. Therefore, reference is decided against the worker and it is held that he is not entitled for the relief claimed by him.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 382.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार हिंदुस्तान एरोनॉटिक्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 30/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-14011/10/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 382.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2015) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Hindustan Aeronautics Limited and their workman, which was received by the Central Government on 18.02.2016.

[No. L-14011/10/2015-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE SRISHUBHENDRA KUMAR, HJS.
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOR COURT,
KANPUR**

Industrial Dispute No. 30 of 2015

General Secretary,
Hindustan Aeronautics Employees Union,
H..A.L. Air Force Station,
Agra.

And

The Additional General Manager,
Hindustan Aeronautics Limited,
H..A.L. Air Force Station,
Agra.

AWARD

1. Central Government by notification No. L-14011/10/2015 (IR(DU) dated 16.06.15, has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the management of Hindustan Aeronautics Limited in not making payment of incentive bonus @4200 per month, not making payment of over time to the employees employed at Agra Unit and non grant of seniority to the Ex-servicemen employed at Agra Unit is just fair and legal? If not, to what relief the workmen concerned are entitled to?

3. Instant case was fixed for filing written statement on behalf of the management but the union moved an application supported with affidavit praying to close the proceedings of the case, as the case is not pressed by the union.

4. The secretary of the union who had moved the application was directed to file evidence that he is the General Secretary of the Union and the case was fixed for hearing on 17.11.2015. Evidence was filed on behalf of the union that the person moving the application is the General Secretary of the Union raising the present dispute.

5. Considering the facts of the case prayer of the General Secretary is allowed and the case is decided as not pressed holding that the union will not be entitled for any relief pursuant to the present claim petition.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 383.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार 24 इक्विपमेंट डिपो, एयर फोर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट

(संदर्भ सं. 108/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-13012/01/2012-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 383.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 108/2014) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of 24 Equipment Depot, Air Force and their workman, which was received by the Central Government on 18.02.2016.

[No. L-13012/01/2012-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE SRISHUBHENDRA KUMAR, HJS,
PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOR COURT,
KANPUR**

Industrial Dispute No. 108 of 2014

In the matter of dispute between-

Sri Nirajan Naik,
Vyusena Karamchari Sangthan,
Manauri,
Office, 9-A Jhapi near Shiv Mandir,
Bamrauli, Allahabad.

And

The Officer Commanding,
24 Equipment Depot, Air Force,
Manauri, Allahabad.

AWARD

1. Central Government, Mol, New Delhi, vide notification No. L-13012/01/2012-IR(DU) dated 01.09.2014, has referred the following dispute to this tribunal for adjudication.

2. Whether the action of the management of Air Force Manauri, Allahabad in not forming the works committee is justified? If not, to what relief the concerned union is entitled?

3. In the instant case after receipt of reference order, notices were sent to the parties for filing their respective written statement. But when till 31.04.15 union has not filed any claim petition, it was given one more opportunity to file statement of claim and notice to this effect was issued on 3rd August 2015 fixing 09.09.2015 for filing of the claim petition by the union.

4. On 09.09.2015, when the case was taken up for hearing, neither any one appeared from the side of the union nor was any statement of claim filed in the case. It thus appears that the union is not interested in prosecuting its case.

5. Under the facts and circumstances of the case, tribunal concludes that the reference is liable to be decided against the union for want of pleadings and proof.

6. Accordingly reference is decided against the Union.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 384.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नेशनल हगिवायस अथॉरिटी ऑफ इंडिया एंड आथर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 04/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-42012/87/2009-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 384.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 04/2010) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of National Highways Authority of India & others and their workman, which was received by the Central Government on 18.02.2016.

[No. L-42012/87/2009-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**BEFORE SRISHUBHENDRA KUMAR, HJS,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOR COURT,
KANPUR**

Industrial Dispute No. 04 of 2010

Between :

Abdul Hameed
RO 124 Sanyar Gate, Monibala,
Jhansi.

And

1.The Project Director,
National Highways Authority of India,

Satish Nagar,
Jhansi.

2.The Team Leader,
M/s. Gayatri Project,
DH 1/13 Virangana Nagar,
JDA Colony,
Jhansi.

AWARD

1. Central Government, Mol, New Delhi, vide notification No.L-42012/87/2009-IR(DU) dated 08.01.2010, has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the management of M/s Gayatri Projects Limited, Jhansi in terminating the services of Sri Abdul Hamed son of Late Mohd. Ishaq Sheikh w.e.f. 07.11.08 is legal and justified? If not what relief the workman is entitled to?

3. It is pertinent to note that in the present case none appeared on behalf of opposite party No.1 nor any reply was filed on their behalf.

4. The worker has filed his claim petition which was replied by opposite party No.2 by filing written statement.

5. After exchange of pleadings between the parties neither the worker appeared for his evidence nor any evidence was given by the opposite party No.2. Therefore, it would be a futile exercise on the part of the tribunal to detain the facts of the case.

6. As there is no evidence from either side it appears that the worker is not interested in prosecuting his claim otherwise he would have certainly adduced his evidence in the case.

7. Therefore, reference is bound to be answered in favour of opposite party No. 2 and against the opposite party No.1 and the workman for want of proof and pleadings on behalf of opposite party No.1.

8. Accordingly, it is held that the worker is not entitled for the relief claimed by him for want of proof.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 385.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ऑर्डनेन्स फैक्ट्री एंड आथर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 05/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-14012/35/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 385.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 05/2014) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Ordnance Factory & others and their workman, which was received by the Central Government on 18.02.2016.

[No. L-14012/35/2013-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOR COURT, KANPUR

Present : Sri Shubhendra Kumar, HJS

Industrial Dispute No.05 of 2014

Between-

Sri Ravindra son of Chiraunji Lal,
Resident of 232 E Bargadiyapurwa,
Panki, Kanpur, U. P.

And

1. Senior General Manager,
Ordnance Factory,
Kalpi Road,
Kanpur,

2. Sri Bhupender Singh,
Son of Awadesh Singh,
Resident of EWS 2508,
Awasth Vikas Kalyanpur,
Kanpur

AWARD

1. Central Government, Mol Employment New Delhi, vide Notification No.L-14012/35/2013-IR(DU) dated 22.01.2014, has referred the following dispute to this tribunal.

2. Whether the action of the management of Sri Bhupender Singh, Kanpur, in terminating the services of Sri Ravindra son of Chiraunji Lal workman with effect from 14.04.2014 is just fair and legal? If not, to what relief the workman concerned is entitled to?

3. The concerned workman in the present case after filing of his claim statement moved an affidavit 22.11.2014, on 07.01.15, in the case stating therein that he is not interested to continue with the case and without any pressure he wants to withdraw his claim.

4. In view of above, the tribunal has no option but to allow the request of the workman and the reference is decided as not pressed against the workman.

5. Accordingly it is held that the workman is not entitled for any relief pursuant to the present reference order.

6. Reference is decided accordingly against the workman.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 386.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आगरा सेंट्रल पब्लिक वर्क्स डिपार्टमेंट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 18/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-42011/127/2011-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 386.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 18/2012) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Agra Central Public Works Department and their workman, which was received by the Central Government on 18.02.2016.

[No. L-42011/127/2011-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE SRI SHUBHENDRA KUMAR, HJS, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, KANPUR

Industrial Dispute No. 18 of 2012

Between-

Zonal President,
All India CPWD (MRM) Karamchari Sangthan,
House No. 4823, Gali No. 13,
Balbir Nagar Extn,
Shahdara,
Delhi.-110032.

And

The Suptd. Engineer,
Agra Central Public Works Department,
Sanjay Place,
Agra.

AWARD

1. Central Government, Mol, New Delhi, vide notification No. L-42011/127/2011-IR(DU) dt. 03.02.12, has referred the following dispute for adjudication to this tribunal.

2. Whether the action of the management of Suptd. Engineer CPWD, Agra in not regularizing the services of Sri Satendra Singh Motor Lorry Driver as claimed by the Union is legal and justified. What relief the workman is entitled to and from which date?

3. By a bare perusal of the reference order it appears that the same is defective or not properly drafted in as much as date of regularizing the service of the workman has not been mentioned in it. Even if for a moment it is presumed that the claim is maintainable and claim is liable to be allowed then a normal question would arise before the tribunal as to from which date worker should be ordered to be regularized in the service of the opposite party. In that situation the claimant could not be granted the relief claimed by him in the claim statement. From this point of view, it is held that the reference order is defective.

4. Be that as it may, in short the worker in his claim statement has alleged that on the basis of work order he was appointed to drive government vehicle on 20.05.06. The worker worked till 27.10.98 as such and with effect from 28.10.98, the opposite party instead of giving him work order started driving the vehicle through contractor and the vehicle is still being driven through the person of contractor. It is also alleged that the worker has made a representation on 27.02.2001 before the authorities of the opposite party for his regularization in the service of the opposite party but the same stands un-replied. Apart from prescribed working hours, the worker was also utilized to perform overtime duty but no payment was given to him by the opposite party. It is also pleaded that other persons similarly situated like the worker were regularized in the service of the opposite party under court orders.

5. On the basis of above it has been prayed that worker be declared to be permanent at appropriate post from the date when he was engaged and he be also given wages and allowances admissible to the post.

6. The claim of the worker has been refuted by the management on the ground that the worker was employed by the agency/contractor on the terms and conditions of contract for providing services to the department for driving office vehicles and in the present case the agency is the principle employer as agency directly employed the worker. It is made clear here that supply of contract labour by the

agency to the department in the instant case does not ipso facto create any employment by the department itself in favor of the contract labour supplied by the agency. The worker was never appointed by the employer on the post of Motor Lorry Driver and the worker had never worked on the pay roll of the department as he was never in the service of the department. Worker was never issued any appointment letter by the opposite party in any capacity. Worker did not hold any permanent post under the opposite party. Worker was never an employee of the department hence the question of his regularization in the service of the department does not arise and he was never an employee of the department in any form either muster roll, hand receipt or work order. The statement of claim filed by the union on behalf of the worker is highly misconceived. It is further stated that creation of post and sanction of regular appointment against such post is the sovereign function of the management and such function should normally not be interfered by the courts nor curtailed nor the right of the management to create and sanction a regular post can be the subject matter of a valid industrial dispute under section 2(k) of the Act for compelling the management to create and sanction new posts nor can they demand for their regularization or appointment in the absence of any vacancy in any regular sanctioned post and it is only when sanctioned regular posts are vacant that they can claim priority in appointment vis-à-vis direct recruitment subject to their eligibility and suitability and even then the management will be the sole judge in matter of appointment.

7. On the basis of above pleadings it has been prayed by the management that the present claim of the union should be rejected being devoid of merit.

8. The worker along with his claim statement has filed papers bearing number 5/5-66. Management vide paper no.9/1 has also filed two documents.

9. The worker along with his written evidence has also filed 11/4-10. The management has also filed his evidence on affidavit.

10. The worker has examined himself as w.w.1 in support of his claim whereas opposite party has examined Sri Soran Singh as m.w.1. Both the witnesses have supported their respective claim in their examination in chief.

11. In his cross examination worker has admitted that for the post of lorry driver department has not advertised the post in any news paper but he was given work order. He denied the suggestion that in para 3 of his claim statement word contractor mentioned is correct. He admitted that on paper no.5/7-11 his signatures appears in place of contractor. He also admitted that he has not mentioned the date on which he was engaged as lorry driver. No record relating for completion of 240 days of continuous service is filed.

12. M.W.1 in his cross examination has admitted that on paper no.5/7-15 there appears signature of the worker which are the work orders issued by the department. Rest evidence of the witness appears to be not relevant to decide the present case, hence they are ignored.

13. I have heard the arguments of both the parties at length and have also gone through the record of the case carefully.

14. As already observed in the opening para of this award that the formation of the terms of reference order is defective in as-much-as no date of regularizing the service of the worker is mentioned. This is a fatal defect in the reference order which cannot be cured by this tribunal. Even in his evidence also worker has not mentioned any date from which he is claiming his regularization in the service of the opposite party.

15. Worker has himself has filed documents to show his working with the department which are paper no. 5/7-15, but these documents filed by the worker establishes the case of the management that he never remained in the direct employment of the opposite party rather it establishes the fact that he was a contractor himself and his services were taken by the management through contract. Paper no.5/5 clearly establishes the fact that contract was given to Satendra Singh & Company on which worker Satendra Singh has signed as contractor in which it is also one of the condition of contract that this order of the contract can be cancelled any time without giving any notice and that this work order will not be applicable for treating him in Government job.

16. Hon'ble High Court Allahabad in 2007(113) FLR 616 Firoz Khan versus State of U.P. has held that mere continuous working for 240 days of service with contractor could not vest them with any legal right of absorption or regularization.

17. Therefore, for the reasons given above, it is held that the reference order is defective and even on merit it is found that the worker was never employed directly by the opposite party in any capacity or he was neither given any appointment letter or salary through muster roll, therefore, the claim of the worker is highly misconceived and misleading and is liable to be rejected. As such the claim of the worker is rejected and it is also held that he will not be entitled for any relief as claimed by him.

18. Reference is accordingly answered against the union / worker and in favor of the management.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 22 फरवरी, 2016

का.आ. 387.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारत संचार निगम लिमिटेड, भोपाल के प्रबंधन के संबंध में नियोजकों और उनके

कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/108/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.02.2016 को प्राप्त हुआ था।

[सं. एल-40011/04/2002-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd February, 2016

S.O. 387.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Case No. CGIT/LC/R/108/2002) of the Central Government Industrial Tribunal/Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecommunication and their workman, which was received by the Central Government on 18.02.2016.

[No. L-40011/04/2002-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/108/2002

Shri Gulam Rasul, President,
National Federation of Telecom Employees,
Line staff and Group D
Tikamgarh. ...Workman

Versus

District Telecom Engineer,
D/o Telecom,
Chhattarpur (MP) ...Management

AWARD

Passed on this 2nd day of February, 2016

1. As per letter dated 18-7-02 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No. L-40011/4/2002-IR(DU). The dispute under reference relates to:

“Whether the management of District Engineer Telecom, Chhattarpur (MP) in terminating the services of Shri Girish Kumar Raikwar S/o Shri Babulal Raikwar w.e.f. 6-10-99 instead of regularizing the services of the workman is just and legal? If not, to what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Pages 2/1 to 2/4. Case of Ist party workman is that he

was employed in Grade B post on establishment of 2nd party management from 22-1-88. His services were utilized by management for various work. He was in continuous employment till 6-10-99. He completed 240 days service during each of the calendar year. Workman contends that he attained regular status. Management refused to regularize his services. Dispute under section 8 of ID Act was raised by Union. During pendency of conciliation proceedings, his services were terminated in violation of Section 33 of ID Act. The complaint was submitted to Conciliation Officer regarding termination of his services. Said proceeding is pending.

3. Workman submits that he was claiming regularization in service in conciliation proceeding which was pending. His services were terminated in violation of Section 33-A of ID Act. Management had not complied Section 25-F of ID Act. He was not given opportunity before terminating his services. Termination of his service is illegal. On such ground, workman prays for reinstatement with consequential benefits.

4. 2nd party management filed Written Statement at Pages 8/1 to 8/2 opposing claim of workman. 2nd party submits that department of telecom was converted into Public Undertaking called BSNL from 1-10-2000. The management of BSNL after consultation with the Union reviewed method of registration of Union issuing notice dated 4-10-02. That present dispute is raised by Gulam Rasul, President, National Federation of Telecom Employees Line Staff and Group D. No such Union is recognized in BSNL. The dispute is raised by unrecognized Union is not tenable. 2nd party reiterates that workman was never appointed by the department. He had not completed 240 days service during any of the calendar year. The workman had not rendered service on casual basis or otherwise neither he was appointed by department. Workman was not terminated by any order in violation of ID Act. Management prays that claim of Ist party workman is devoid of merit.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

- | | |
|---|---|
| (i) Whether the management of District Engineer Telecom, Chhattarpur (MP) in terminating the services of Shri Girish Kumar Raikwar S/o Shri Babulal Raikwar w.e.f. 6-10-99 instead of regularizing the services of the workman is just and legal? | Termination of workman in violation of Section 25-F is not established. |
| (ii) If not, what relief the workman is entitled to?" | Workman is not entitled to any relief. |

REASONS

6. Ist party workman is challenging termination of his service for violation of Section 25-F, 33 of ID Act. Management of 2nd party had denied appointment or engagement of Ist party workman. The application for production of document was submitted by Ist party on 29-8-07. As per order dated 25-6-09, Ist party workman was given liberty of adducing secondary evidence.

7. Workman has filed affidavit of his evidence supporting his claim that he was in continuous employment of the management of 2nd party from 22-1-88. He was continuously working till 6-10-99. He had completed more than 240 days in each of the calendar year. His request for regularization was not allowed. He had raised dispute. The dispute was raised before Conciliation Officer during pendency of conciliation proceeding. His services were terminated in violation of Section 33 of ID Act. His services were terminated in violation of Section 25-F of ID Act. No chargesheet was issued to him. No enquiry was conducted against him. In his cross-examination, workman says he passed HSc, IIT Exam, he could not read English. In his further cross-examination, workman says the post on which he was working was not advertised. No oral interview was conducted. Appointment letter was not given to him. He denies that he was not appointed by the department.

8. Affidavit of witness Shankar Kohekar is filed on behalf of workman. In his affidavit, he corroborates that workman Gulam Rasul was working at Teekamgarh from January, 1988. Workman as working as peon in Sub Divisional Officer, Microwave Station till October, 1999. In his cross-examination, witness on behalf of Ist party says that he was appointed on 1-6-76. He was not working in Microwave Station. He was working at Sagar from 1-6-76. In 1992, he worked at Preetamgarh but he did not work in Microwave station. His duty hours was from 9.30 AM to 5.30 PM. He worked under Shri M.K.Jain, Shri B.L.Shukla & M. P. Srivastava, appointment letter was issued to him. He claims ignorance whether workman was issued appointment letter or not. He has friendship with workman therefore he appeared as a witness. He was receiving full salary. His attendance was maintained in the register. There was one register for attendance of Class IV employees. He denies that workman Girish Kumar Raikwar did not work in Telecom office and he is giving false evidence being friend of workman. The evidence in cross-examination of witness of Ist party clearly shows that he was working at Sagar and Preetamgarh. He did not work at Microwave station where pleading and evidence of workman is on the point that workman was working at District Telecom office, Teekamgarh when witness was not working at Teekamgarh, the evidence of witness of Ist party corroborates evidence of workman at Teekamgarh.

9. Management filed affidavit of evidence of Shri Kameswar Singh, S/o Shri G.D.Singh. Management's

witness in his affidavit of evidence submits that workman was never appointed by management. Workman not rendered services on casual basis or otherwise there was no question of his working for 240 days in a calendar year. In his cross-examination, management's witness says he is not acquainted with workman. He was posted at Teekamgarh from 6-10-99 to Sept-01 as SDO. During 1988 to 1999, casual labours were not working with 2nd party. Temporary employees were engaged and such employees were given regular status. Any casual labour was not engaged. The muster roll of temporary employees was maintained. He had not seen muster roll for such employees for the period 88 to 99. Further evidence of management's witness in his cross-examination is on the point he was unable to tell who was working as SDO from 88 to 89. He had not received information from SDO working during period 1988 to 1999. Log book Register, Telephone shifting Register were not maintained, fault complaint register was not maintained. The evidence in cross-examination of management's witness is not advancing that the workman was working for more than 240 days in a year in Telecom Department from 1988 to 1999. Though Ist party workman has produced large number of copies of documents, workman did not adduce any valid evidence to prove those copies. Therefore the copies of documents produced by workman cannot be considered. The evidence of workman is not corroborated by any documentary evidence about his working at Teekamgarh from 1988 to October, 1999.

10. Shri A.K.Shashi submitted copy of award in R/188/01 for my perusal and consideration.

In said reference, workman Shri Jai Prakash Bharati was allowed regularization with 25 % backwages. From reading of Para-13 of said award, it is clear that the evidence in said reference was cogent that the workman worked for 240 days during each of the year.

In present case, the evidence adduced by workman and his witness is not cogent about working for more than 240 days during each of the year by the workman. Therefore copy of award cannot be relied even for persuasion purpose.

Shri A.K.Shashi relies on ratio held in case of Anoop Sharma versus Executive Engineer, Public Health Division No.1, Panipat (Haryana) in 2010(5)SCC-497. The careful reading of the ratio held in the case is that employer had failed to prove compliance with clause (a) and (b) of Section 25-F.

The facts of present case are not comparable. Therefore ratio held in the case cannot be applied to case at hand.

Shri A.K.Shashi relies on ratio held in case of Bhilwara dugdh Utpadak Sahakari S.Ltd. versus Vinod Kumar Sharma in 2011-IV-LLJ-292(SC). Ratio held in above cited case pertains to denial of right of workman held that employer resorted to subterfuge to avoid liabilities.

The facts of present case are not comparable. The ratio cannot be applied to case at hand.

11. Shri M.P.Kapoor counsel for management submitted copy of award in R/59/04.

In Para 13 of the award, it was observed that there was no cogent evidence about completion of 240 days service except own affidavit of the labours.

Even in present case, the evidence of Ist party workman and his witness is not cogent about completion of more than 240 days service.

12. As 2nd party has totally denied engagement of Ist party workman even as casual and evidence of workman and his witness is not cogent to establish his working for more than 240 days during the period 1988 to 1999. For want of cogent evidence about working more than 240 days preceding 12 calendar months of the alleged termination in October 99, the termination of Ist party workman in violation of Section 25-F of ID Act is not established. Accordingly I record my finding in Point No.1.

13. In the result, award is passed as under:-

- (1) The termination of workman in violation of Section 25-F of ID Act is not established.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 24 फरवरी, 2016

का.आ. 388.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता के पंचाट (संदर्भ सं. 59/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.02.2016 को प्राप्त हुआ था।

[सं. एल-17012/17/2013-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 24th February, 2016

S.O. 388.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/2013) of the Central Government Industrial Tribunal/Labour Court, Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Life Insurance Corporation of India and their workman, which was received by the Central Government on 23.02.2016.

[No. L-17012/17/2013-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT KOLKATA****Reference No. 59 of 2013**

Parties: Employers in relation to the management of
Life Insurance Corporation of India

AND

Their workmen

Present: Justice Dipak Saha Ray, Presiding Officer

Appearance:

On behalf of the : Mr. Pankaj Kumar, AAO.
Management

On behalf of the : Ms. Samrajny Konar, concerned
Workmen workman in person.

State: West Bengal. Industry: Insurance.

Dated: 17th February, 2016.

AWARD

By Order No. L-17012/17/2013-IR(M) dated 28.10.2013 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the Management of Life Insurance Corporation of India in terminating the services of Smt. Samrajny Konar, working as Development Officer on probation, is legal and justified? What relief the workman is entitled to?”

2. In this case the LIC/management has filed a petition challenging the maintainability of the reference. Concerned workman has also filed written objection against the said petition.

3. Heard both sides.

4. Perused the instant petition and the written objection thereto. Perused also the decision of the Hon'ble Supreme Court passed on 11.03.2015 in connection with Civil Appeal Nos. 5690 – 5691 of 2010 with Civil Appeal Nos. 6547 – 6549 of 2010 which has been filed along with the petition.

5. Authorized representative of the LIC/management submits that the instant case is not maintainable as per the decision of the Hon'ble Supreme Court because Smt. Samrajny Konar who is claiming herself as a workman, is not a workman under the provision of Section 2(s) of the Industrial Disputes Act, 1947.

6. Concerned workman submits that the instant reference was initiated long before passing the aforesaid

decision of the Hon'ble Supreme Court which has got no retrospective effect and as such the said decision is not applicable in this case.

7. Considered.

8. The Hon'ble Supreme Court in the aforesaid decision has observed that “In view of the aforesaid analysis, we conclude and hold that the development officers working in the LIC are not ‘workmen’ under Section 2(s) of the Act and accordingly, we do not find any flaw in the judgment rendered by the High Court.” (Paragraph 17 of the aforesaid judgment). So from this judgment it is clear that Development Officer working in the LIC cannot be treated as workman under the provision of Section 2(s) of the Act.

9. Considering the aforesaid decision with reference to the contention of the workman in question it appears that the argument as advanced by concerned workman has no merit at all when the Hon'ble Supreme Court has cleared that the Development Officer of LIC is not a workman.

10. Considering the above facts and circumstances and since Smt. Samrajny Konar is not a workman as per provision of Section 2(s) of the Industrial Disputes Act, 1947, instant reference is not maintainable and accordingly the reference is rejected.

An Award is passed accordingly.

JUSTICE DIPAK SAHA RAY, Presiding Officer

Dated, Kolkata,

The 17th February, 2016.

नई दिल्ली, 24 फरवरी, 2016

का.आ. 389.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स भारतीय जीवन बीमा निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कानपुर के पंचाट (संदर्भ सं. 26/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.02.2016 को प्राप्त हुआ था।

[सं. एल-17012/34/2011-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 24th February, 2016

S.O. 389.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 26/2013) of the Central Government Industrial Tribunal/Labour Court, Kanpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Life Insurance Corporation and their

workman, which was received by the Central Government on 23.02.2016.

[No. L-17012/34/2011-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE SRISHUBHENDRA KUMAR, PRESIDING OFFICER, HJS, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOR COURT, KANPUR

Industrial Dispute No. 26 of 2012

Between-

Sri Ramu,
Son of late Sri Kali Charan,
27/25 Roti Godam,
Birhana Road,
Kanpur.

And

The Divisional Manager,
LIC of India,
Divisional Office,
MG Marg,
Kanpur.

AWARD

1. Central Government, Mol, New Delhi vide notification No.L-17012/34/2011-IR (M) dated 13.03.12, has referred the following dispute for adjudication to this tribunal-

2. Whether the action of the management of LIC of India, in terminating the services of Sri Ramu, with effect from 01.06.2011 is legal & justified? What relief the workman is entitled to?

3. It is the case of the worker that he was appointed as daily wager on 16.04.91, by the opposite party at the post of sweeper and he worked continuously as is clear from the certificate issued by the opposite party. He raised his demand for declaring him regular and permanent before the authorities of the opposite party but all in vain. Senior Divisional Manager of the opposite party vide letter dated 15.05.07 had also recommended the workman to declare him as part time employee but his recommendation was ignored by the opposite party. As the worker is working continuously for the last 20 year he again raised his voice for giving appointment but his request was ignored. Authorities of the opposite party started expectation from the worker to work beggar at the residence of the officers and when he demanded separate payment for doing begar then the authorities of the opposite party became annoyed against him and he was removed from the service with effect from 01.06.2011, without any notice or without

showing any reasonable cause which is unfair labor practice thereby he is entitled for reinstatement with continuity of service and back wages.

4. In reply it is alleged by the opposite party that the worker had never been appointed after holding due selection procedure and that he is not a workman. No cause of action exists in favour of the worker as he himself had not turned up for work. Management has denied the contention of the worker that they wanted to take work at the residence of the officers of the opposite party. The worker worked intermittently of his own choice and he was highly irregular. The worker stopped coming from 21.05.11 and left the work. It has been denied by the opposite party that at any point of time they had terminated the services of the worker and what to say with effect from 01.06.11. As the worker has not been terminated by the management, there is no illegality in their action and the reference is liable to be decided against the worker.

5. Worker has filed rejoinder but nothing new has been mentioned therein.

6. The worker vide paper no.11/2 has filed 11 documents.

7. Whereas worker has examined himself as w.w.1 management has examined Sri S K Mishra as M.W.1.

8. I have heard the arguments of the parties at length and have also gone through the entire record carefully.

9. Worker W.W.1, in his examination in chief has supported his claim. In his cross-examination witness has admitted the fact that without any letter of interview or test he was engaged by the opposite party. He was paid his wages at Rs.1100/- per month from 1991 to 01.04.2011 continuously. He also confirmed that paper No.11/10 and 11/11 are the copies of payment vouchers and paper No.11/13 bears the signature of the Branch Manager. He has denied the suggestion that he removed the copy of the documents rather copy of documents were given to him by a clerk and he does not remember the name of the clerk. He also denied that the documents filed by him are fake. He admitted the fact that when he denied to do beggar at the residence of the officers of the opposite party he was removed from the service of the opposite party with effect from 01.06.11. He has also denied the fact that no documentary evidence with regard to his working has been filed by him. He also denied the suggestion that he had simply worked a part time sweeper for 2 hours only. He also denied the factum that he had not completed 240 days of continuous service preceding the date of his termination.

10. Worker by his application dated 06.06.13 has summoned 11 documents from the management. The management filed objection stating therein that despite sincere efforts the called for documents are not traceable. The tribunal by order dated 18.12.14 disposed of the

application holding that necessary inference shall be drawn at the appropriate stage.

11. M.W.1 in his statement on affidavit has supported the case of the opposite party. In his cross examination the witness has admitted that from the record it is clear that when ever there was necessity worker was called for sweeping work. His statement is on the basis of documents filed by the worker. Witness has stated that paper no.11/3 filed by the worker is forged and fake. Witness has also admitted that the name of the worker appears on some documents because in this document the name of the worker was added and date of his work is mentioned as 16.04.91. Witness has also admitted the fact that persons mentioned at serial no.1 to 4 are in the employment of the management.

12. Therefore, from the pleadings and evidence of the parties it is established that the worker remained in the employment of the opposite party continuously as sweeper.

13. It is the contention of the management that document paper no.11/3 filed by the worker is forged and fake as the name of the worker appears to have been added and the years have not been found mentioned in serial. On the contrary it is contended that this document has been prepared and signed by the then branch manager. On careful examination of paper no.11/3, I find no force in the contention of the management that it is a fake document because writing appearing on this documents appears to have been written by one and same person including the name of the worker. It also appears that due to inadvertence date of working of the worker as 16.04.91 has been mentioned at serial no.5. It is not a good ground to disbelieve the documents. It may also be pointed out here that the documents summoned by the worker have deliberately been not filed by the management with the sole intention that if the summoned documents are filed in original it will improve the case of the worker.

14. Management has failed to file original document against paper no.11/3 filed by the worker to establish that the name of worker was added afterwards. Therefore, document paper no.11/3 filed by the worker cannot be accepted to be forged document as management failed to controvert it by producing the original one.

15. Documents paper no.11/8, 11/10, 11/11, 11/13-14 are the photocopies of payment vouchers.

16. Management in its written statement has admitted in clear words that worker worked till 20.05.11 but due to illness and his treatment he absented from 21.05.11. It is also established that worker was daily wager but he was receiving his wages month wise and not daily for daily work. As such he will be treated as daily wager receiving his consolidate payment monthly as appears from the vouchers filed by the worker.

17. Management neither in the pleadings or evidence has denied the continuous working of the worker. Worker

in his evidence has clearly stated that he had completed 240 days of continuously and he has been removed by the management without any notice or showing any cause with effect from 01.06.2006.

18. Therefore, in view of above discussion it is established that the worker had completed 240 days of continuous service preceding the date of his termination and that he was neither given any notice nor retrenchment compensation by the management at the time of his dispensation of service. Therefore, the action of the management cannot be held to be just legal and fair.

19. Management has placed reliance in the case of Shivanand versus Presiding Officer, Labor Court, Allahabad, reported in 2008(117)FLR 523 in which the Hon'ble High Court has held that a daily wager has no legal right to claim continuity of service.

20. As such having regard to the decision of the Hon'ble High Court (supra) worker cannot be granted continuity of service being engaged as a daily wager.

21. From the above discussion, it is established that the worker has been able to prove his case; as such he is entitled for reinstatement with full back wages but without continuity of service.

22. Reference is therefore decided in favor of the worker and against the management.

SHUBHENDRA KUMAR, Presiding Officer

नई दिल्ली, 24 फरवरी, 2016

का.आ. 390.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओ.एन. जी.सी. लिमिटेड और दूसरों के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1361/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.02.2016 को प्राप्त हुआ था।

[सं. एल-30012/28/2001-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 24th February, 2016

S.O. 390.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1361/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and others and their workman, which was received by the Central Government on 23.02.2016.

[No. L-30012/28/2001-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
 Presiding Officer, CGIT cum Labour Court,
 Ahmedabad,
 Dated 8th February, 2016

Reference: (CGITA) No-1361/2004

Reference: (ITC) No- 15/2001

1. The Group General Manager (P),
 ONGC Ltd.,
 Hazira Project,
 P.O. Bhatpore,
 Surat (Gujarat)- 394518

2.M/s Paradise Refrigeration
 G-5, Orion House,
 Behind Resham Bhavan, Laldarwajam
 Surat (Gujarat)-395003

3.M/s Airon Corporation,
 Rajmahal Road,
 Rhode's Khancha Corner, Baroda,
 Surat (Gujarat) -390001

....First Party

Vs.

Their Workman
 Shri Navasuddin Maiyaddin Shaikh,
 22, Barafkal,
 Opp. Rander Bus Shop,
 Randergam,
 Surat (Gujarat)

....Second Party

For the First Party:

For the Second Party:

AWARD

The Government of India/Ministry of Labour ,New Delhi by reference adjudication Order No. L- 30012/28/2001-IR(M) dated 22.03.2001 referred the dispute for adjudication to the Industrial Tribunal, Surat (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of ONGC Ltd., through its Contractor M/s Airon Corpn., in terminating the services of Sh. Navasuddin Maiyuddin Shaikh, ‘Attendant/operator (A/c plant)

w.e.f. 30.11.2000, is proper and justified? If not, to what relief the concerned workman is entitled to?”

“2. Whether the demand of the workman Sh. Navasuddin Maiyuddin Shaikh in considering him as direct/regular employee of ONGC Ltd w.e.f. the date of his entry in the services is legal, proper and justified? If so, to what relief the concerned workman is entitled to and from which date and what other directions are necessary in the matter?”

2. This reference dates back to 22.03.2001. Both the parties are served and they filed the statement of claim and written statement respectively. On 13.01.2016 Bhartiya Mazdoor Sangh moved an application (Ext.21) along with application (Ext.22 and 23) on behalf OF Sunil A. Patel and 6 others for withdrawal from the reference which was in order and was allowed by the Tribunal. Date was fixed for 08.02.2016. Mr. D. M. Patel, General Secretary, Surat Jilla Bhartiya Mazdoor Sangh who earlier move the applications (Ext.21 to 23) is present in person and orally told the Tribunal to dismiss the reference. Thus in the such circumstances, there is no justification to proceed with the reference and second party in person are absent and the Bhartiya Mazdoor Sanngh has no inclination to proceed with the reference.

The reference is dismissed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 24 फरवरी, 2016

का.आ. 391.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स स्वामी पत्थर खदान के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1392/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.02.2016 को प्राप्त हुआ था।

[सं. एल-29012/119/2001-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 24th February, 2016

S.O. 391.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1392/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Swamy Stone Quarry and their workman, which was received by the Central Government on 23.02.2016.

[No. L-29012/119/2001-IR (M)]

NAVEEN KAPOOR, Under Secy.

Their Workman
Sh. Suresh C. Shukla,
A-3 Akhanand Apartments,
Krishnakunj Society,
Street No. 2,
Palanpur Patia,
Surat (Gujarat) -395009

For the First Party : Sh. J.I. Shah, Advocate

For the Second Party :

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L- 30012/45/2003-IR(M) dated 11.12.2003 referred the dispute for adjudication to the Industrial Tribunal, Surat (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the workman Shri Suresh C. Shukla for reinstatement in service with 100% back wages is legal, proper and justified? If so, to what relief the concerned workman is entitled and from which date and what other directions are necessary in the matter?”

2. This reference dates back to 11.12.2003. Both the parties were served and filed their statement of claim (Ext.3) and written statement (Ext.6) respectively. First party also moved an application (Ext.6) raising the preliminary points 1 to 4 given in the written statement (Ext.6) which are as under:

- (1) That, the reference of the second party is not correct and not maintainable in the eye of law.
- (2) That the Ministry of Labour, New Delhi has no jurisdiction or authority to refer this type of dispute to Industrial Tribunal at Ahmedabad.
- (3) There is no Industrial dispute between first party and second party U/s. 2(K) of the Industrial Dispute Act, 1947, therefore on this preliminary point alone the reference deserves to be rejected.
- (4) That the second party was engaged as contractor upon the quotation of the second party and initially the contract period was for one year effective from 01-01-1993, therefore there is no employer and employee relation between the first party and the second party. Therefore in absence of employer and employee relationship the reference referred by the Central Government is not maintainable and deserves to be rejected.

3. Second party sought time for filing reply to the aforesaid application (Ext.6) but despite a lapse of seven years, he did not prefer to file the reply.

4. Here, I would like to reproduce the provisions of section 2(K) of the Industrial Disputes Act which are as under:

“industrial dispute” means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person.

5. The perusal of the aforesaid provision, it indicates that there must be an employer employee relationship between the party for raising any industrial dispute. Statement of claim (Ext.3) indicates that second party was engaged as a contract worker with whom first party enter into contract while first party in his written statement (Ext.6) stated that second party was engaged as contractor upon the quotation of the second party and the contract period was initially for one year with effect from 01.01.1991. Therefore, there was no employer-employee relationship between the parties. And second party did not prefer to file any objection. Thus, the application (Ext.7) deserves to be allowed.

6. Thus, in the light of aforesaid observations the reference is dismissed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 24 फरवरी, 2016

का.आ. 393.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओ.एन. जी.सी. लिमिटेड और दूसरों के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 306/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.02.2016 को प्राप्त हुआ था।

[सं. एल-30012/3/2000-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 24th February, 2016

S.O. 393.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 306/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. Ltd. and others and their workman, which was received by the Central Government on 23.02.2016.

[No. L-30012/3/2000-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 3rd February, 2016

1. The Group General Manager (P)
ONGC Ltd.,
Ankleshwar Project, (Gujarat)
Ankleshwar

2. The Managing Director,
Industrial Security Services,
8, Parichay Shopping Centre,
D' Cabin, Sabarmati,
Ahmedabad (Gujarat) -380001

3. M/s. Central Industrial Security Services
Near Hawa Mahal,
Opp. GIDC ST Depot,
(Gujarat) Ankleshwar-393010

4. The Group General Manager,
ONGC Ltd., Ahmedabad Project,
Chandkheda, 5th Floor,
Avani Bhavan
Ahmedabad (Gujarat)

5. M/s. Yashdeep & Company,
F-32, Raviraj Complex, Near Valia Chowkdi,
Ankleshwar ...First Party
Vs.

Their Workmen
Through the general Secretary,
Gujarat Employees Union Naka,
Gujarat Stadium Circle, Sabarmati,
Ahmedabad (Gujarat)-380005 ...Second Party

For the First Party:

For the Second Party:

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L- 30011/26/2006-IR(M) dated 18.05.2006 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Gujarat Petroleum Employees Union for absorption of S/Sh Arvind Kumar Singh & 21 others (as per the list attached), working as contract labour, by the ONGC Ltd., Ahmedabad /Ankleshwar is legal and justified? If so, what relief the workers are entitled to and from which date?”

2. This reference dates back to 18.05.2006. All the parties were served. Gujarat Petroleum Employees Union, Ahmedabad through its general secretary moved an application (Ext.14, 15, 16, & 17) for withdrawal on behalf of four employees. Later, they also not turned up. Neither of the parties filed their statement of claim and written statement. Thus, it appears that second party is not interested in the proceedings of the reference. Therefore, Tribunal has no option but to dismiss the reference in default of the second party.

The reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 24 फरवरी, 2016

का.आ. 395.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स कांडला पोर्ट ट्रस्ट और दूसरों के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 968/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23.02.2016 को प्राप्त हुआ था।

[सं. एल-37011/8/1993-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 24th February, 2016

S.O. 395.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 968/2004) of the Central Government Industrial Tribunal/Labour Court, Ahmedabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Kandla Port Trust and others and their workman, which was received by the Central Government on 23.02.2016.

[No. L-37011/8/1993-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present :

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 2nd February, 2016

Reference: (CGITA) No. 968/2004

Reference: (ITC) No. 18/1994

The Secretary,
Kandla Port Trust,
A.O. Building,
Gandhidham (Kutch) ...First Party

Vs.

Their Workmen,
through the Secretary,
Transport & Dock workers Union, Kandla,
21, Yogesh Building, Plot No. 586,
12-C, Gandhidham,
Kutch-370201 ...Second Party

For the First Party : Sh. K.V. Gadhia, Advocate

For the Second Party : Sh. N.H. Rathod, Advocate

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L- 37011/8/93-IR(Misc.) dated 23.04.1994 referred the dispute for adjudication to the Industrial Tribunal, Rajkot (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Kandla Port Trust, Gandhidham in not allowing annual increment to Shri Motilal Ratansi and other 9 employees of Mechanical Department as listed in Annexure ‘A’ for the period from 1.9.73 to 1.9.77 is justified? If not, to what relief the workman are entitled?”

2. This reference dates back to 23.04.1994. Both the parties are served. Second party submitted his statement of claim (Ext.2) on 09.08.1994 and first party also submitted his written statement (Ext.11) on 23.03.2004. Now on 02.02.2016, Advocate Sh. N.H. Rathod for the first party submitted an application (Ext.18) stating that in the same subject-matter another reference No. 969/2004 is also pending. Therefore, in the said circumstances, the second party does not press the reference No. 968/2004 and unconditionally withdraw the reference No. 969/2004.

3. The application (Ext.18) moved by the second party for withdrawal/dismissal of the reference No. 968/2004 is allowed.

Order is passed accordingly.

P. K. CHATURVEDI, Presiding Officer